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* THE HON. SRI C. RAJAGOPALACHARI:—"One colour deprives the other colour of its advantage." (Laughter.)

MR. SPEAKER:—"The subject comes under matters of day-to-day administration, and I rule the motion out of order."

* THE HON. SRI C. RAJAGOPALACHARI:—"I accept the reprimand from the Hon. the Speaker."

III.—GOVERNMENT BILL.

THE ANDHRA STATE BILL, 1953—*cont.*

Clauses 22 to 24.

MR. SPEAKER:—"There are no amendments to clauses 22, 23 and 24. I now proceed to clause 25."

SRI PILLALAMARRI VENKATESWARLU:—"Though no amendments have been given notice of, yet Members can oppose the clauses, Sir."

MR. SPEAKER:—"There is no question of opposing the clauses. Hon. Members can only give their views. If they want they can stand up and speak."

SRI PILLALAMARRI VENKATESWARLU:—"Please allow us some seconds so that we may stand up, Sir."

* THE HON. SRI C. SUBRAMANIAM:—"Sir, the hon. Member, Sri P. Venkateswarlu, is always anxious that we should not rush through, and that there should be as much delay as possible. If there is any view to be expressed, it is to go in a specific form to the Government of India. Therefore, if there is any point of view to be expressed, it should have come in the form of a resolution, and that alone can be discussed. When no amendment is given notice of in respect of any clause, that shows that we are in general agreement with that clause. There should be no question of further discussion of that clause. I respectfully submit that we should pass over all clauses in respect of which there are no amendments."

Clause 25.

9-40 a.m. * SRI K. KRISHNA RAO:—"Sir, I move the following amendment which stands in my name:—

Add at the end the words "and not inconsistent with the provisions of the Constitution."

"Sir, clause 25 says that the rules as to procedure and conduct of business in force with respect to the Madras Legislative Assembly should apply to the Legislative Assembly of Andhra to be formed. My amendment seeks to make out that any rules of procedure with respect to the Legislative Assembly of Andhra that is to be formed, must be in conformity with the provisions of the Constitution. I say so because we here are above law. Many of the procedures here, for example, whether the Ministers ought to give a reply to questions or not and whether they can at all

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refuse to give answers to questions, cannot be taken to a Court of Law and contested. We cannot go to a Court and ask for a decision as to whether it is *ultra vires* of the Ministers to refuse to give answers to questions put in the Legislative Assembly. Thus, in regard to many of these matters we are in a fix. If anything is to be done, it has to be done in this House by means of points of order, privilege motions, or things like them. A number of precedents with regard to procedure have accumulated in this Assembly which ignore the provisions of the Constitution."

MR. SPEAKER:—"Does the hon. Member mean to say that we have not been following the provisions of the Constitution?"

SRI K. KRISHNA RAO:—"I think I should correct the impression. The point is that the procedures of the House are such as to constitute a violation of the rights of Members. I have given an instance also. Members have got a right to put questions and to receive answers. In fact, the procedures are not new. They are coming on since the Montford Reforms and there has not been a radical alteration of these procedures in the light of the provisions of the new Constitution. I would remind you that there was a Committee appointed by this House, and I am informed that though the Hon. Speaker has made a number of suggestions, the Committee have not considered them and have not come to an agreement. My point is that the rules of procedure, whether written or unwritten, will have to be examined in the light of the provisions of the Constitution."

SRI S. DEIVASIGAMANY:—"Sir, I second the amendment moved by the hon. Member, Sri Krishna Rao. After all, this amendment is a very innocuous one. It only tries to bring out that the provisions of the Constitution should be strictly followed. I do not think, by inserting this amendment, anything is going to be lost."

* THE HON. SRI C. SUBRAMANIAM:—"Sir, I was really surprised to see the hon. Member Sri Deivasigamany supporting this amendment. But I suppose he is supporting it from another point of view quite different from that of the hon. Member, Sri Krishna Rao. First of all, when his amendment seeks to add the words 'and not inconsistent with the provisions of the Constitution', I presume the hon. Member is not stating that we are following a procedure here which is inconsistent with the provisions of the Constitution. That will be a reflection not only on you, Mr. Speaker, but also a reflection on the House itself."

SRI S. DEIVASIGAMANY:—"Not at all."

* THE HON. SRI C. SUBRAMANIAM:—"If it is not so, the hon. Member, Sri Krishna Rao, wants that the Andhra Members should be specifically reminded about the provisions of the Constitution so that they may follow them. I have no objection, but it will look really very odd. Whatever the procedure is, it will always be subject to the provisions of the Constitution. A special mention here will be reflection either on this House or on

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the Andhra Members if not on this House. I respectfully submit that the hon. Member should not press it and should withdraw it."

The amendment was, by leave, withdrawn.

(Clauses 26 and 27—No amendments.)

Clause 28.

SRI P. RAMAMURTHI:—"Mr. Speaker, Sir, I move the following amendment which stands in my name:—

75 ' *This House recommends to the Parliament of India that sub-clause (2) of clause 28 of the Andhra State Bill be amended so as to provide for the establishment of the High Court for Andhra on a date decided upon by the Legislative Assembly of that State.* ' "

SRI M. KALYANASUNDARAM:—"I second the amendment."

MR. SPEAKER:—"Let all the amendments be moved and seconded. Then, hon. Members may speak on their amendments."

The following amendments were accordingly moved by the Members in whose names they were standing and duly seconded:—

SRI D. SEETHARAMIAH—

76 " *This Assembly recommends that the Andhra High Court be formed in Andhra along with the formation of the Andhra State and its location be decided by the Andhra Members of the Madras Legislative Assembly by the end of August 1953.* "

SRI G. YELLAMANDA REDDI—

77 " For clause 28, substitute the following:—

' 28 *As from the date of the formation of Andhra State there shall be a High Court for the State of Andhra hereinafter referred to as " The High Court of Andhra."*

' *The Andhra Assembly shall decide the place of the High Court.* ' "

SRI VAVILALA GOPALAKRISHNAIAH—

78 " For sub-clauses (1) and (2), substitute the following:—

' *There shall be separate High Court for the State of Andhra, hereinafter referred to as " The High Court of Andhra ", from October 1, 1953.* ' "

SRI N. GOPALA MENON—

79 " (i) Delete the words ' As from the date appointed under sub-section (2) ' occurring in sub-clause (1);

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(ii) For sub-clause (2), substitute the following:—

‘ (2) The President shall, as soon as may be after the appointed day, establish a separate High Court for the State of Andhra by notification in the Official Gazette.’

(iii) For sub-clause (3), substitute the following:—

‘ (3) The High Court of Andhra shall be located in the capital of the State.’ ”

Sub-clause (2).

SRI T. N. VENKATASUBBA REDDI—

81 “ For sub-clause (2), substitute the following:—

‘ (2) The President shall, as soon as may be convenient or on the passing of a resolution by the State Assembly of the Andhra State appoint by notification in the Official Gazette a date for the purpose of sub-clause (1).’ ”

SRI K. RAJAGOPALA RAO—

82 “ For sub-clause (2), substitute the following:—

‘ (2) The President shall immediately after a resolution recommending the establishment of a separate High Court for the State of Andhra has been adopted by the Legislative Assembly of that State and submitted to him, appoint by notification in the Official Gazette, a date in 1953, for the purpose of sub-section (1).’ ”

SRI C. RAJAM RAMASAMI—

83 “ For sub-clause (2), substitute the following:—

‘ (2) The President shall, as soon as may be convenient, appoint by notification in the Official Gazette, a date for the purpose of sub-clause (1).’ ”

SRI D. SEETHARAMIAH—

84 “ (i) After the words ‘ after a resolution recommending the establishment ’, insert the words ‘ and location.’

(ii) Add at the end the words ‘ and fix the location accordingly.’ ”

SRI K. VENKAIAH—

85 “ (i) Delete the words of the sub-clause commencing with ‘ as soon as ’ and ending with ‘ submitted to him ’.

(ii) After the words ‘ in the Official Gazette a date ’, insert the words ‘ in the year 1953 ’.”

SRI M. VEERABHADRAM—

86 “ (i) For the words and figure ‘ date appointed under sub-section (2) ’, substitute the words ‘ appointed day ’.

(ii) Delete sub-clauses (2) and (3) and for the words ‘ prescribed day ’ wherever they occur, substitute the words ‘ appointed day ’.”

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* SRI P. RAMAMURTHI:—"Sir, the clause provides that the date from which the Andhra High Court will begin to function separately is the date which will be determined by the President. My amendment seeks to make it incumbent on the Andhra Legislature to fix the date. I wish I fixed up a certain date. But, unfortunately, I have not given a specific date. I think we can fix a definite date, in December or so, by which time the Andhra High Court must begin to function separately. Some other amendment is being thought of. I hope the Chair will allow that amendment."

9-50 a.m. THE HON. SRI C. SUBRAMANIAM:—"If it is an agreed amendment, there will be no objection."

SRI T. VISWANATHAM:—"Sir, our attitude—I am speaking on behalf of the Praja Socialist Party also—is that the provision in the Bill with regard to the High Court may stand as it is."

* SRI D. SEETHARAMIAH:—"Sir, I submit that there are three important organs for a State, viz., Executive, Legislature and Judiciary. Of these three, the highest institution of Judiciary is the High Court. Now, when the Andhra State is formed, it is going to be without this highest institution and so it will not be a full-fledged State. It is very necessary that the High Court should also be formed along with the formation of the Andhra State. That is why I have moved my amendment in order to recommend that the Andhra High Court may be established on the soil of the Andhra Desa along with the formation of Andhra State. In the Bill it is said that there will not be a High Court in Andhra immediately. It is said that the Chief Justice may, with the approval of the Governor, fix the place or places afterwards. Thus, the Andhra State is handicapped very much. This has served the Congress and other allied parties. In the matter of locating the capital, it appears the Congress Party has come to an agreement with some other parties. It seems that there has been agreement between them to the effect that the capital may be located in Kurnool and the High Court may be located in Visakhapatnam or some other place. It is to facilitate those parties and to avoid discussion of this subject in the Assembly that these parties, especially the Congress Party, are trying to deny this House an opportunity of discussing this subject and have placed this matter in the hands of the Chief Justice and the Governor, to be decided by them both. It is only with a sinister motive this has been done. The Andhra people and this Assembly cannot oblige them with this sort of convenience."

"In this connection, I wish to remind this Honourable House that the Chief Justice is a *persona grata* and he cannot be dragged into politics, cannot be pulled into the political whirlwind and whirlpool and cannot be subjected to all sorts of severe criticisms. Now the issue of capital and High Court is a burning question throughout Andhra Desa and it cannot be decided unless Andhra Assembly Members and the Andhra people go together. Making the Chief Justice do this part of the job is to ask the Chief Justice to bear all the brunt of this decision and to ask him to draw the chestnuts out of the fire for their own use. Therefore it is no good

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to drag the Chief Justice into the political whirlpool. The question of the location of the High Court, the date of its location and functioning and other matters pertaining to it must be decided by the Andhra Assembly. Or, rather I put it that the Andhra Members of the Madras Legislature be asked by the Central Government or Parliament to decide this issue just as they have done with regard to the issue of the location of the capital. Let us decide the question of High Court also. With these words, I commend my amendment for the acceptance of the House."

*SRI G. YELLAMANDA REDDI:—“ఆధ్యక్షా, ఇప్పుడు మనమున్నట్లు clause ను కనుక యథాతథంగా ఆమోదించినట్లైతే ఆంధ్రరాష్ట్రానికి త్వరలో హైకోర్టు ఏర్పడే అవకాశం లేకుండా పోతుంది. భారత ప్రధాన మంత్రి ఆంధ్ర రాష్ట్ర నిర్మాణం గురించి ప్రకటన చేసినప్పటినుంచీ కూడా ఆంధ్రప్రజలు ఆంధ్ర రాష్ట్రానికి ఒక ప్రత్యేక హైకోర్టు ఉండవలెనని, అది ఆంధ్రరాష్ట్ర సరిహద్దులలోపలనే ఉండవలెనని కోరుతున్నారు. ఆంధ్రరాష్ట్ర కాంగ్రెస్ అధ్యక్షుడైన శ్రీ సంజీవ రెడ్డిగారు, ఆంధ్ర హైకోర్టుకూడా మద్రాసులో ఉండరాదని అన్నారు. ఈ విషయమై ఆంధ్ర లోని అన్ని పార్టీలవారు ఏకగ్రీవంగా ఆంధ్రరాష్ట్ర సరిహద్దులలోపలనే ఆంధ్ర హైకోర్టు ఉండాలని అంటూ వచ్చారు. అయితే ఇప్పటి బిల్లులోని ఈ clause లో విధంగా తెలుపడం లేదు. ఆంధ్ర రాష్ట్రం ఏర్పడిన తరువాత ఆ రాష్ట్ర ఎసెంబ్లీవారు ఈ విషయమై ఒక నిర్ణయానికి రావాలని కూడా ఇందులో లేదు. దీనివల్ల ఆంధ్ర రాష్ట్రానికి వెంటనే ప్రత్యేక హైకోర్టు లేకుండా పోయే ప్రమాదం కనపిస్తుంది. ఈనాడున్న అస్థిర పరిస్థితులను బట్టి చూచినట్లైతే ఆంధ్ర రాష్ట్రంలో ప్రభుత్వమనేది ఒకటి ఉంటుందో లేదో చెప్పలేకుండా ఉన్నాము. ఈనాడు కాంగ్రెస్, కృషికార్ లోక్, ప్రజా సోషలిస్టు పార్టీల వారిమధ్య ఏకాగ్రీవతాయం కనపించుతుంది. ఈ పార్టీల వారిమధ్య పడవుల పంపక తగాదాలలో సమాధానంతురురకపోయినట్లైతే ఆంధ్రలో మంత్రివర్గం ఏర్పడడం కష్టం. ఒకవేళ ఆ పరిస్థితులలో అధ్యక్షుని పరిపాలన వచ్చినట్లైతే చాలాకాలం వరకు ఆంధ్రరాష్ట్ర హైకోర్టు మద్రాసులో ఉండవలసి రావచ్చు. ఇది ఆంధ్ర ప్రజాసేవకు యుక్త వాంఛితానికి పూర్తిగా వ్యతిరేకం అని మనవిచేస్తున్నాను. వెంటనే, అనగా ఆంధ్రరాష్ట్రం ఏర్పడటానికే అనంతరం 1 వ తేదీనుంచి కూడా ప్రత్యేక ఆంధ్ర హైకోర్టు ఏర్పాటు చేయవలసిన బాధ్యత ఈ నాయకుల మీద ఉన్నది. మారు మూలన ఉన్న కర్నూలును ఈ నాయక సభ్యులు రాజధానిగా వలెచారు, ఈ విషయమై ఎన్నో అభిప్రాయ భేదాలు, తర్కాపతర్కాలు ఉన్నట్లు కనపిస్తుంది. హైకోర్టు స్థల నిర్ణయ విషయమైకూడా ఎన్నో విభేదాలు రావచ్చు. అందువల్లనే తమ బాధ్యతనుంచి తప్పుకొనేందుకై ఈ పార్టీలవారు హైకోర్టు విషయమై పట్టుడల చూపడంలేదు. వారి వైఖరి వల్ల ఆంధ్ర రాష్ట్రానికి ప్రత్యేక హైకోర్టు లేకుండా పోవచ్చు. కాబట్టి ఈ విషయమై ప్రజాస్వామిక పార్టీల మని చెప్పకొనే ఈ నాయకులు ఒక విస్ఫోటమైన విధానాన్ని ఆనుకొనింపవలెనని, కనీసం ఆంధ్ర రాష్ట్రం ఏర్పడిన వెంటనే ఆంధ్ర శాసన సభ్యులు ఈ విషయమై ఒక నిర్ణయం చేయటకు అవకాశం కలుగ జేయవలెనని చెబుతూ నేను ఈ సవరణను బలపరుస్తున్నాను.”

*SRI VAVILALA GOPALAKRISHNAIAH:—“Mr. Speaker, every State must have a Legislature, Executive Government or call it Secretariat and a High Court. Now, the Andhra State starts without a High Court. This is very peculiar. When there

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is division of the country on the linguistic basis, the States so divided must have cultural and administrative units. When there was a University for Andhra, i.e., a cultural centre, there was no Andhra State. Now, when the Andhra State is being formed, it will have no High Court in its own territory. It is really very paradoxical. I appeal to the Government of Madras, the Members of this House and those in power at Delhi to take a decision to the effect that the High Court must immediately be started in Andhra along with the inauguration of the Andhra State. Otherwise there will be so many difficulties. The people of Andhra will have to come to the residuary Madras State in connection with their legal matters. They will have no say in the matter of appointment of Judges, allotment of money, etc. As such, it will be highly impractical to have the High Court in Madras. What happened when Orissa was partitioned? Patna High Court was made the composite High Court for Orissa and Bihar. On account of this, so many difficulties, so many irregularities and constitutional issues had arisen. After understanding the difficulties, a separate High Court was constituted for Orissa itself. Let us learn from the experience gained by the Orissa people, and let us not repeat the same blunder committed at that time. Therefore, I appeal to the Central Government and to others concerned that a separate High Court for Andhra within its own territory must be established along with the formation of the Andhra State. With these words, I commend my amendment for acceptance of the House."

10 a.m. * SRI N. GOPALA MENON :—" Sir, I want to say a few words on my amendment No. 79.

" The question of the location of the Andhra High Court and of the time when it should commence working are pre-eminently matters for Andhras on which I do not want to be looked upon as an intruder. But nevertheless, I would like to make a few remarks. The question is this. The Andhra State is to have a High Court of its own and the arguments advanced by the previous speaker are very proper. When the State is formed it ought to have a High Court of its own. When this is conceded there is really no meaning in saying that the future Andhra Legislative Assembly should again meet and consider whether there should be a High Court. The clause says—

' The President shall, as soon as may be after a resolution recommending the establishment of a separate High Court for the State of Andhra has been adopted by the Legislative Assembly of that State and submitted to him, appoint by notification in the Official Gazette, a date for the purpose of sub-section (1).'

I really think that there is absolutely no need for the Legislative Assembly of the State of Andhra again to deliberate on this question and reaffirm that there ought to be a High Court. It is conceded and it is essential that the Andhra State should have a High Court of its own and what remains to be done is that the President on the advice of the Government of Andhra should fix a date for the inauguration of the Andhra High Court. Therefore,

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I have said in my amendment that the President shall by notification after the formation of the State of Andhra fix a date for the inauguration of the High Court.

“ The other point is about the location of the High Court. The Travancore-Cochin State has its High Court in Cochin and the seat of the Government in Travancore. I find that this arrangement is not working properly. The location of the High Court should not be regarded as a question of patronage. When you form a State, you ought not to think that there are two segments, the Rayalaseema section and the Circars section. It is one whole indivisible Andhra State. You ought not to think that there are two component parts to that State. It is one indivisible State and normally the High Court must be located in the capital of the State. I am yet to see a good State, a flourishing State, having its High Court in one place and its capital in another place. The High Court must be in the capital of the State. There are a great many advantages in having the High Court in the capital itself. Therefore, hon. Members should not think that this is a question of patronage, giving to Rayalaseema the Capital and to the Circars, the High Court. That kind of vision ought to be obliterated from the minds of the people. The moment the Andhra State is formed, all must regard the State as one. The idea of patronage must be abandoned altogether and it is essential for good administration that the High Court must be located in the capital of the State. These are more or less in the shape of remarks that I say. As I said in the beginning, this is pre-eminently a matter for the Andhras themselves to decide and what we, who are not Andhras, say is only as a matter of opinion.”

MR. SPEAKER:—“ Mr. Venkatasubba Reddi.”

SRI P. RAMAMURTHI:—“ He may be asked to speak a little later.”

* SRI C. RAJAM RAMASAMI:—Sir, I want to say a few words on my amendment (No. 83). The object of my amendment is to provide for the early establishment of an Andhra High Court. The purport of it is more or less the same as mentioned by Mr. Gopala Menon. If we allow the discretion to the Andhra Assembly to pass a resolution on the formation of an Andhra High Court, it may not be advantageous or fair to the political parties or to the residuary State. Political and other considerations may prevent such a resolution being passed at an early date. It would be advantageous if the President is authorised to fix a date for the inauguration of the High Court. Under the Constitution also, there is no necessity for such a resolution being passed by any Legislative Assembly for the setting up of a High Court. It will be sufficient if powers are given to the President to form a High Court as early as possible. Mr. Gopala Menon has explained the position at full length and I wholeheartedly support what he has said in the matter.”

SRI C. PULLA REDDI:—“ Mr. Speaker, Sir, this question of High Court has been in the minds of the Andhras ever since the

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Prime Minister's announcement was made about the formation of an Andhra State. When it was originally said that the Andhra State would be formed on October 1, and the High Court would continue to be in Madras till such time as it was decided by the Andhra Assembly, political leaders from Andhra and also the Andhra public resented the statement. When once the Andhra State is formed, every important political party has said, the Andhra High Court must be taken away from Madras to the Andhra State. Even Mr. Sanjeeva Reddi, the President of the Andhra Provincial Congress Committee, said that there was no point in having the Andhra High Court in Madras. So much so, it is the unanimous opinion of the Andhra public that the High Court must be located in the Andhra State itself from the beginning. Why we raise this question now in the Assembly, rightly or wrongly, has located the capital at Kurnool. Yesterday our Chief Minister gave some information about Mr. Lobo Prabhu's report on the choice of Kurnool as capital. The Chief Minister has informed us that Mr. Lobo Prabhu has recommended the location of a camp capital only at Kurnool and not the real capital. According to the report, the impression given to the public is that all important offices will not be taken to Kurnool but only a part of them and that the major part of the staff working in those offices will continue to work in Madras. Taking this fact along with the other that the Andhra High Court will be in Madras, let me ask what is it that is being shifted to Andhra. It is only a case of the Assembly alone meeting in Kurnool and nothing more, while all the important departments of the Secretariat will be working in Madras. Including the High Court in this list, it only means that it is not really a Province that is going to be formed and it is not the real capital that will be located at Kurnool. These are the proposals that are being placed before the Andhra public and the Andhra public will never accept them. Therefore, we say that all the offices, whether important or unimportant, pertaining to the Andhra State, including the High Court should be located in the Andhra area. The High Court must be started along with the formation of the province. The Central Government cannot effect separation of the State without the High Court. There is no question of our High Court being in Madras when once we have decided on the formation of the new Andhra State.

"Another point is that the location of the High Court has been left to the choice of the Chief Justice."

MR. SPEAKER:—"When we come to clause 36, we can take up this matter."

* THE HON. SRI C. SUBRAMANIAM:—"May I make a submission, Sir. This is with reference to the High Court coming into existence in the Andhra area and when it should come into operation. We may proceed with other clauses first and take this up later. As a matter of fact, a postponement of the clause will not affect the discussion on other clauses."

MR. SPEAKER:—"Then we will take it up later."

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Clause 29.

No amendments moved.

MR. SPEAKER:—"For clauses 30, 31, 32, 33, 34 and 35, there are no amendments. We pass on to clause 36."

Clause 36.

The following amendments were then moved by the Members in whose names they were standing and duly seconded:—

SRI P. RAMAMURTHI—

90 "This House recommends to the Parliament of India that clause 36 of the Andhra State Bill be amended so as to provide that the High Court of Andhra and the Judges and Division Courts thereof shall sit at such place or places in the State of Andhra as the Legislative Assembly of that State may decide."

SRI T. NAGI REDDI—

"91 This Assembly is of the opinion that the separation of the High Court for Andhra be effected from the appointed day itself with Madras as its seat of functioning till December 1953 before which time the Andhra Assembly shall meet and decide a place in the State of Andhra as its seat."

SRI G. LATCHANNA—

"92 This Assembly recommends that for the words 'at such place or places', the words 'in any of the two centres indicated by Justice Wanchoo and in the light of Sri Bagh Pact' shall be substituted."

SRI VAVILALA GOPALAKRISHNAIAH—

"93 For the existing clause substitute the following:—
'The High Court of Andhra and the Judges and Division thereof shall sit at Guntur.'"

"94 For the words 'such place or places as the Chief Justice may with the approval of the Governor of Andhra, appoint' substitute the words 'Guntur—Vijayavada.'"

SRI T. LAKSHMINARAYANA REDDI—

95 "For the words 'shall sit . . . with the approval of the Governor of Andhra, appoint', substitute the words 'shall be located at Anantapur.'"

SRI N. GOPALA MENON—

"96 For the words 'such place or places in the State of Andhra as the Chief Justice may, with the approval of the Governor of Andhra, appoint', substitute the words 'the Capital of Andhra.'"

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SRI H. SATYANARAYANA DORA—

“ 97 This House resolves that in clause 36, for the words ‘ as the Chief Justice may, with the approval of the Governor of Andhra appoint ’, the words ‘ as the Governor of Andhra may in consultation with the Chief Justice, appoint ’ shall be substituted.”

SRI M. VEERABHADRAM—

“ 100 For the words ‘ as the Chief Justice may . . . appoint ’ substitute the words ‘ as the Andhra Legislature decides.’ ”

SRI K. KRISHNA RAO—

“ 101 For the words ‘ as the Chief Justice may, with the approval of the Governor of Andhra, appoint ’, substitute the words ‘ as the Legislative Assembly of that State shall decide.’ ”

SRI K. VENKAIAH—

“ 102 For the words ‘ Governor ’, substitute the words ‘ Legislative Assembly.’ ”

SRI PILLALAMARRI VENKATESWARLU :—“ Sir, most of the members are not aware that their amendments would be coming up now . . . ”

MR. SPEAKER :—“ It is the duty of every Member to be here between 8-30 a.m. and 1-30 p.m.”

SRI PILLALAMARRI VENKATESWARLU :—“ That is true, Sir. The point is because most of the members did not know that their amendments would be coming up now, they have just gone out. I request they may be given an opportunity to move their amendments.”

MR. SPEAKER :—“ If they come back during the discussion of the clause, I have no objection. But this should not be taken as a precedent afterwards.”

SRI R. SIDDANNA GOWD :—“ Sir, from the nature of the resolutions and amendments given notice of to all these clauses, it will be seen that it is not as easy to select the place where the High Court should be located and when it should start, as is considered to be by hon. Members. It is the bone of contention just as the location of the Capital in the Andhra Pradesh. The selection of a Capital in the new Andhra State has created many new problems in addition to those which are already prevailing in the proposed Andhra State. It is very difficult for this House to select the location of the High Court till the Capital is decided. There are various opinions, Sir, on this subject. Some want that the High Court should be left where it is for some time. Mr. Justice Wanchoo also suggests this for various reasons given in his report. (Interruption.) This is embodied in his report from pages 8 to 11, and he says that it is advisable from all points of view, from the point of convenience to the advocates, their clerks and staff, to the Judges and staff of the High Court and

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also for the speedy disposal of the cases as also for the conveniences of the clientele that the High Court should be located and allowed to continue at Madras itself for some time to come. This is one view, Sir. It is recommended and strongly recommended by Justice Wanchoo.

“ Sir, there is another view which cannot be easily brushed aside, as the hon. Member Sri Gopala Menon sought to convey to this House. It should be remembered, Sir, that there is what is called the Sri Bagh Pact arrived at between the representatives of Coastal districts and the representatives of Rayalaseema. It says that either the High Court or the Capital whichever is chosen by the Rayalaseemites should be located in Rayalseema. Though the temporary Capital is to be at Kurnool, the Capital of Andhra has not yet been located the Rayalaseema permanently. A dispute has arisen and from the trend of events, from conversations and discussions that are going on in Legislature Party meetings and elsewhere, there is a likelihood of the selection of Kurnool as the Capital of the Andhra State being altered. If the Capital is changed from Kurnool to Visakhapatnam or Tirupati or Guntur or Vijayavada, then according to the Sri Bagh Pact, the location of the High Court has to be determined and the Sri Bagh Pact should be implemented by allowing the High Court to be located in Rayalaseema. During the last 30 years or more, since the Andhra movement began in the Andhra Pradesh there are opinions that the Capital should be located in Vijayavada and the High Court should be located in Anantapur. It is known to every Member of this House that in accordance with the Sri Bagh Pact that the University Centre was located at Waltair, that the High Court should be located at Anantapur and the Capital at Vijayavada or Vijayavda-Guntur. Therefore, Sir, it is very difficult to select the place where the High Court should be located and when it should be shifted from Madras. Under these circumstances, I feel it most expedient that the clause should be left as it is without passing any of the amendments given notice of by many hon. Members. 10-20 a.m.

“ The decision to locate the Capital at Kurnool is leading to various difficulties from the point of view of accommodation. When once a Capital is chosen, it is also necessary that various organs of the Government should be located there in the interests of good and efficient administration. The Secretariat and the various heads of departments, viz., Inspector-General of Police, Inspector of Local Boards, Registrar of Co-operative Societies, Chief Engineers, etc., should be located at the seat of administration and only then it would contribute to efficient administration. Hon. Members who attend the Legislative Assembly sittings may have to interview many officers and this may not be possible if all the organs of Government are scattered all over the Andhra districts. It is therefore necessary that in the interests of efficient and good administration all the organs of the Government as far as possible should be located in one and the same place where the Capital is to be located. From the point of view of accommodation also, it is found that Kurnool is a very bad place and it is

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impossible to locate both the High Court and the Capital at Kurnool. From the point of view of finance also, the Government of India have not given us any subvention as in the case of Orissa. Only they have promised to give us Rs. 40.0 lakhs by way of loan"

MR. SPEAKER :—“ The hon. Member's time is up.”

SRI B. SANKARAYYA :—“ అధ్యక్షా, ఈ ఆంధ్రరాష్ట్ర విజయములో మాట్లాడే టప్పుడు శ్రీ ప్రకాశంగారు కొన్ని విషయాలు చెప్పారు. ఆంధ్ర రాష్ట్ర విజయంలో ఆంధ్రదేశపురోధివృద్ధికి అడ్డు కలిగించేవి నష్ట కరమైనవి కాక జాలు అనేకం ఉన్నాయని చెప్పారు. అటువంటి విషయాలలో ముఖ్యమైనది ఆంధ్ర రాష్ట్రానికి హైకోర్టు రాకుండా చేసేకాజు. అటువంటి నష్టకరమైన కాజును విజయించి తొలగించి, ఆంధ్రదేశ పురోధివృద్ధికి అడ్డుకలిగించకుండా చేయడానికి ప్రకాశంగారు ఏమిచేశారు? వీటన్నింటినీ తొలగించ వలసిన బాధ్యత ఈ సభ్యులపై వున్నది. హైకోర్టు విషయం తీసుకుంటే, జస్టిస్ వాంచూ గారు నచ్చినప్పుడు ఒకవైపున రాజధానిని మాత్రం మద్రాసులో పెట్టడానికి వీలులేదని—అందుకు విమాత్రం అవకాశం లేదు అని చెప్పిన మద్రాసు మంత్రివర్గమే ఒకే హైకోర్టు రెండురాష్ట్రాలకు వుండవచ్చునని చాలా కుట్ర చేశారు. అటువంటి కుట్ర ఫలితమే ఈవేళ హైకోర్టు వెంటనే ఆంధ్ర దేశం రాకుండా, ఒకే హైకోర్టు వుంటుంది అనే కాజు. వేరే హైకోర్టు ఆంధ్రదేశానికి రాలేదంటే దీని వెనుక ఎంతో కుట్ర వున్నదని చెప్పి ప్రతివారికి తెలుసు. రాజధాని మద్రాసులో ఒక రోజు వుండడానికి వీలులేదని చెప్పినవారు ఆంధ్రరాష్ట్ర హైకోర్టు మద్రాసులో వుండవచ్చునని చెప్పి ఆంధ్రదేశపురోధివృద్ధికి అడ్డు కలిగించడానికి కుట్రచేశారు. మొట్టమొదటినుంచి మేము దీన్ని ఎదిరిస్తూనే వున్నాం. అటువంటి కుట్ర సాగడానికి వీలులేదని, ఆంధ్ర రాజధాని మద్రాసులో వుండవచ్చును హైకోర్టు మద్రాసులో వుండడంలో అర్థం లేదని, ఆంధ్ర దేశంలోనే హైకోర్టు ఏర్పాటుచేసుకోవచ్చునని సంజీవరెడ్డిగారుమాడే పత్రికా ప్రకటన చేశారు. కాని ఆ ప్రకటన ఏమైనది? ప్రజాస్వామ్య పక్షాలని చెప్పే నాయకులు ఈవేళ హైకోర్టు రాకుండాను, రాజధానిని కర్నూలుకు తీసుకువెళ్లి, ఆంధ్రదేశపురోధివృద్ధికి అటంకం కలుగ చేశారు. ఈవేళ ఆంధ్రదేశపురోధివృద్ధికి దోహదం చేసే హైకోర్టు విషయంలో వీళ్ళ శ్రద్ధ వహించడం లేదంటే, వీళ్ళచేస్తున్న కుట్రలు అర్థం అవుతాయి. ఆంధ్రప్రజలు ఆంధ్ర రాష్ట్రాన్ని కోరినటువంటి ఉద్దేశం పరిపాలన ఆంధ్రలోనే జరగాలి అని సామాన్యమైన రైతు కూలీలకు పరిపాలనలో భాగం కావాలని ఆశిస్తూ ఆంధ్రరాష్ట్రాని కోసము పోరాడారు. కోర్టులో అన్ని విషయాలుకూడా తెలుగులో జరగాలి అని అన్ని పరిపాలన వ్యవహారాలు తమ మాతృ భాష అయిన తెలుగులో జరిగినప్పుడే సామాన్య ప్రజానీకం పరిపాలనలో భాగస్వామి కావడానికి అవకాశం వుంటుందని ఆంధ్రరాష్ట్రానికోసము పోరాడడం జరిగింది. కాని ఈవేళ ప్రత్యేక హైకోర్టు ఆంధ్ర రాష్ట్రానికి లేకుండా ఒకే హైకోర్టు వుంటుందని విజయం చేర్చారు. అంతేకాకుండా అధికంగా తీసుకున్నప్పటికీ యావదాంధ్ర ప్రజలు 11 జిల్లాలు ఏ తాలుకాలనుంచి హైకోర్టు వ్యవహారాల నిమిత్తం మద్రాసుకు రావాలి. ఎంతోమంది ఉద్యోగస్తులను కలుసుకోవాలి. ఈ విధంగా ఆంధ్రుల డబ్బంతాకూడా, ఐకమండుకూడా పూర్వం వలెనే, మద్రాసులో అనేక విధాల ఆంధ్రదేశపురోధివృద్ధికి ఉపయోగపడకుండా ఆంధ్రరాష్ట్రాని ఏర్పడిన పిచ్చుటకూడా, ఖర్చు అవుతున్నావుంటుంది. మేము నాయకులు వస్తున్న కుట్రలను మొదటినుంచి ఎదిరిస్తూనే వున్నాం. మద్రాసు

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మంత్రివర్గం ఆంధ్రుల ఇంటిరెస్తును, అభివృద్ధిని కోరిడలేదు. రాజగోపాలాచారిగారి మంత్రివర్గము మద్రాసులో తాత్కాలిక రాజధాని వుంచడానికి వ్యతిరేకించి, ఆంధ్రుల పురోభివృద్ధికి ఆటంకం కలిగించే ఎహ్‌కొర్టును సంబంధించిన క్లాజును ఎలా బలపరుస్తున్నారో తెలియడం లేదు. పంపాలనా వ్యవహారాలు మాతృభాషలో జరిగే, ఆంధ్రుల డబ్బు రాష్ట్ర పురోభివృద్ధికి వినియోగపడాలి అని కాక్షించే ప్రజాస్వామిక వాదం దరూ ఆంధ్ర ఎహ్‌కొర్టు ఆంధ్ర రాష్ట్ర స్వరాజంతోనే ప్రత్యేకంగా ఆంధ్ర రాష్ట్రం లోనే ఏర్పడాలి అనే సవరణను బలపరచాలి అని కోరుతూ, ఇంతటితో నేను విరమిస్తున్నాను.”

SRI H. SATYANARAYANA DORA:—“ Mr. Speaker, the 10-30 amendment which stands in my name is very simple. It is only a verbal alteration that is sought to be made and I hope the House will have no objection to accept it. I only meant that the Governor as Head of the State should be given precedence over the Chief Justice.” a.m.

SRI P. RAMAMURTHI:—“ Mr. Speaker, my amendment is very simple. It seeks to vest the power of choosing the place for the location of the High Court in the Legislative Assembly of the Andhra State.”

SRI G. LATCHANNA:—“ According to my amendment, I want that the selection of a place for the High Court should be on the basis of Mr. Wanchoo's report and in accordance with the Sri Bagh Pact and I hope the House will accept my amendment.”

SRI PILLALAMARRI VENKATESWARLU:—“ Mr. Speaker, from the beginning, our party is very particular that the High Court should also be separated from Madras as early as possible and many representations were also made to that effect. I also understand that many of our Tamil friends are equally anxious that the High Court should be separated soon and also shifted from Madras as early as possible. In this connexion there is one point which the House must take into consideration. Who is to determine the place, whether it is the President or the Governor or the Assembly? There are some Members who feel that it may be decided according to Mr. Wanchoo's report and we have got our own objection to that. In fact Mr. Wanchoo's report was not accepted by any party as such. So there is no question of going into Mr. Wanchoo's report or accepting his recommendations on this issue only. What we suggest is that it should be left to the Andhra Legislative Assembly where the High Court should be located. Some Members feel that the President may be empowered to decide the place in consultation with the Governor and the Chief Justice. After all the President may not be in a position to know the mind of the people and may not be able to select a place which will satisfy the people. Therefore we suggest that the Andhra Assembly alone is competent to decide the place and it cannot be left to the hands of either the President or the Governor. Some Members feel that the Andhra Assembly may or may not meet, and according to them there is a greater possibility

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that it may not meet. My point is just as we have met to select a place for the location of the temporary Capital, we should again meet to select a place where the High Court should be located. That there may not be a Cabinet is a different matter. When we met to select a Capital there was no Cabinet and there need not be a Cabinet if again we are to meet and recommend a place to the Central Government. The Andhra Members of the Madras Legislative Assembly can meet for this specific purpose of deciding upon a place for the location of the High Court. It is quite possible and it can be done.

“Then, Sir, in the Bill no specific mention is made when the High Court should move from Madras. We feel that it should be as early as possible. We have suggested in our amendment that it may be before December 1953. Some Members are of the view that it may not be possible to shift the High Court till June 1954. Even to that we will have no objection provided the date is mentioned in the Bill. We therefore feel that the choice of place must be left to the Andhra Legislative Assembly and the date before which the Andhra High Court should be shifted from Madras should be not later than June 1954. With these few words, Sir, I conclude.”

SRI M. R. APPA RAO:—“Mr Speaker, it has been decided to inaugurate the Andhra State on 1st October 1953. The Andhras feel that the High Court also should be located in the Andhra territory. Where it should be located, we feel that it is better the Governor decides, instead of the Chief Justice. We have chosen Kurnool as the temporary Capital and we will know after two days whether it is going to stand. In considering the place for the High Court, it is better if Sri Bagh Pact is kept in mind according to which the University Centre should be in one place, the Capital in another place and the High Court in a third place. Now, the University is in Waltair and we have chosen Kurnool as the temporary Capital. It will be in the fitness of things if the High Court is located in Vijayavada. I therefore support the amendment moved by Sri G. Latchanna and request the House to accept it unanimously.”

* **SRI K. V. RAMESAM:**—“Two things arise for consideration so far as this clause is concerned, namely, what is the place at which the High Court is to be located and who is to determine the place. It has already been brought to the notice of this House that in considering these two questions the Sri Bagh Pact must be respected. And in pursuance of the terms of the Sri Bagh Pact, it has already been decided by the Andhra Members of the Madras Legislative Assembly that Kurnool is to be the seat of administration and we cannot go back on that decision.”

“In respecting the terms of the Sri Bagh Pact we have complied with the choice of the people of Rayalaseema to have the seat of Government in Rayalaseema and the other question remains as to where the High Court is to be located. Naturally it will have to be somewhere in the Northern Circars and we

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will have to confine our attention to that particular question. In limiting this choice, the section imposes a restriction upon the discretion of the House. If the Chief Justice is given the final choice, it may come into conflict with the decision of the Members of the Assembly which, I submit, is not desirable. Therefore, the question where the High Court or the division courts are to be located should be exclusively determined by the Members of the Assembly; otherwise the difficulty or the possibility of conflict with the decision of the sovereign Assembly and of the Chief Justice might arise. In order to avoid that, I suggest that in the matter of selection of the seat of the High Court and the division courts, it should be the State Assembly Members that should decide and the suggestions or advice that may be tendered by the Chief Justice or by the Governor may also be considered by the Assembly. I, therefore, appeal to hon Members that this aspect of the matter must be borne in mind before accepting the amendment that has been proposed, and further it is necessary that the High Court must simultaneously be made to function along with the formation of the Andhra State."

* SRI P. PUNDARIKAKSHACHARYULU :—" Mr. Speaker, Sir, I wish to take this opportunity to answer some charges levelled against our Krishikarlok Party in saying that the capital should be located at Tirupathi and the High Court at Vijayavada-Guntur and the various other offices at other places. I request hon. Members to study the context in which we made such a proposal. When Mr. Justice Wanchoo made a proposal that the temporary capital can be located at Madras and it was rejected by the Madras Government, the Hon. the Chief Minister made the suggestion that the capital can be located at Nellore and the High Court and the various other offices may be continued at Madras. In that connexion we strongly protested why when the temporary capital cannot be continued at Madras, the High Court and other offices should be continued at Madras. Therefore, we made the statement that the High Court should at once be shifted to Andhra soil. Then the question arose whether there is sufficient accommodation for the various offices and in that connexion we suggested that the offices can be located at places other than the capital. It is not with any ulterior intention that we made the suggestion and it is not in order to make the capital a name-sake capital. Now, Sir, let me come to the Sri Bagh Pact. According to that pact and the feelings in Rayalaseema, we gave notice of an amendment for the location of the capital at Tirupathi and if the capital is accepted to be at that place, I wish to submit to the House that the High Court might be located in Vijayavada-Guntur as suggested by Justice Wanchoo. The places mentioned by Justice Wanchoo as suitable for the location of the High Court or the temporary capital or the permanent capital are Tirupathi, Visakhapatnam, Vijayavada-Guntur. In the fitness of things when the Rayalaseema people according to the Sri Bagh Pact want the capital in the Rayalaseema, we suggest (and according to Wanchoo also) that the capital can be located in Tirupathi and the High Court at Vijayavada-Guntur. In the alternative if the

[Sri P. Pundarikakshacharyulu] [21st July 1953]

Assembly decides upon the location of the capital at Vijayavada-Guntur, I wish to submit that the High Court can be located at Tirupathi. Thank you, Sir."

SRI P. RAMAMURTHI:—"I wish to make a slight change in the amendment; it is only a verbal amendment. My amendment reads—

"This House recommends to the Parliament of India that clause 36 of the Andhra State Bill be amended so as to provide that the High Court of Andhra and the Judges and division courts thereof shall sit at such place or places in the State of Andhra as the Legislative Assembly of that State may decide."

I suggest that in the place of the words 'as the Legislative Assembly of that State may decide' the following words may be substituted, namely, 'as the Members of the Legislative Assembly of that State may decide at a meeting'. This is a small amendment and my friend Sri Nagi Reddi will explain the amendment, Sir."

* **SRI T. NAGI REDDI:**—"Mr. Speaker, Sir, we are discussing the establishment of a High Court for Andhra and the time and place where it should be established. It has been accepted on all hands that a separate High Court for Andhra should be established and that is provided for in the Bill itself and certain important changes have to be made in respect of that provision so as to clarify certain matters. It has been said in the Bill—

"The President shall, as soon as may be after a resolution recommending the establishment of a separate High Court for the State of Andhra has been adopted by the Legislative Assembly of that State and submitted to him, appoint by notification in the Official Gazette a date for the purpose of sub-section (1)."

In this connexion, I would like that there should be a clause which would fix a date within which the notification should be issued, say, not later than the 1st June 1954. For that purpose, I shall take Sri Venkatasubba Reddi's amendment as the basis, namely,—

"The President shall, as soon as may be convenient or on the passing of a resolution by the State Assembly of the Andhra State, appoint by notification in the Official Gazette a date for the purpose of sub-clause (1)."

and to it I shall add at the end the words 'which shall not be not later than the 1st June 1954'."

MR. SPEAKER:—"But Mr. Venkatasubba Reddi has not moved the amendment. In so far as this has been left cut to be dealt with later, we shall take it up afterwards."

* **SRI T. NAGI REDDI:**—"Then, Sir, there is an amendment on the order paper in the name of Sri Latchanna (Amendment No. 92)—

"This Assembly recommends that for the words "at such place or places", the words "in any of the two centres indicated by Justice Wanchoo and in the light of the Sri Bagh Pact" shall be substituted.

This is in respect of clause 36. In this connexion, I would like to inform the House that two months ago the Andhra legislators met to decide the question of the capital in accordance with the wishes of the people of Andhra as a whole. In other words the

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issue of the capital was decided not by the President and not by the Government but by the Legislative Assembly Members of Andhra.

“ A provision was made that the Andhra Legislative Assembly Members may meet in a particular place at a particular time to decide the question of capital, according to the wishes of the people. That had been done. Similarly with regard to the location of the High Court also it is the wish of the people that its location should be decided by the representatives of the people of Andhra, I mean, the Andhra Legislative Assembly Members. That is the proper way in which things should be done. Some hon. Members have waxed eloquent on the Sri Bagh Pact. What is the Sri Bagh Pact? It was an agreement entered into between two parties by which either the choice of the capital or the High Court was given to the Rayalaseema people. So far as the capital is concerned the democratic procedure has been followed. The Andhra Members met and we have decided upon a particular place for the same. When such is the thing, why can't we follow the same procedure here also? Why should we leave the choice of the location of the Andhra High Court to a Governor or the Government or the President? I am really surprised to find that those who were so very anxious to bring about this state of affairs here are now coming on with amendments which would take away the right of the Andhra Legislators from choosing their own High Court in a suitable place. It is my humble opinion that this composite Assembly cannot express its opinion regarding the location of the Andhra High Court. This Assembly cannot choose between any two of the places recommended by Justice Wanchoo for the location of the Andhra High Court. The final choice should be left to the representatives of the Andhra public. That is why the Communist Party have given their amendment. What does it say? It says—

10-50
a.m.

‘ This House recommends to the Parliament of India that clause 36 of the Andhra State Bill be amended so as to provide that the High Court of Andhra and the Judges and division courts thereof shall sit at such place or places in the State of Andhra as the Legislative Assembly of that State may decide.’

As Mr. Ramamurthi had observed the choice should be left to the Andhra Legislative Assembly, the composite Assembly cannot discuss this question. That is my submission. In the same manner as we have been called upon to choose the capital of Andhra let the Government of India or the President issue a special directive to all the Andhra Legislators to choose a place for their own High Court. We shall immediately meet and decide on a suitable place. If conditions permit we shall move on the very appointed day. I have no objection. But the only democratic method should be for us to choose the final location of the High Court.

“ Of course as hon. Members know the Andhra Legislature is composed of diverse political elements. One cannot say whether on the appointed day we shall have a popular Ministry or not. In the case of there being no popular Ministry, what is the only course left? We shall have the Governor's rule. Where

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can the Legislature be summoned then? That is why my amendment to Sri T. N. Venkatasubba Reddi's amendment has been put. That covers this possibility. In the event of there being Governor's rule, I have fixed a definite date, viz., 1st June 1954. On no account could we remain without our own Andhra High Court beyond 1st June 1954. Hon. Members on an impartial observation will not fail to see the reasonableness behind my amendment. I would request all Andhra Members irrespective of their party affiliations to vote unanimously for this amendment and show to the Government of India that Andhras as a whole had expressed their unanimous desire that the final choice of the location of the High Court should be entirely left to them and that they are anxious enough to move to their own territory within the shortest possible time. Therefore experienced members like Sri Koti Reddi and others may cast their votes in favour of my amendment.

"I would like to mention one more point before I close, Sir. It is true that Mr. Justice Wanchoo had recommended either Tirupathi or Guntur as a suitable place for the location of the Andhra High Court. It is here I enter my protest. The exact location of the Andhra High Court should be left to be decided by the representatives of the Andhras for whom the High Court and all its connected courts are intended. Let us not overlook that fact. Are we not the best judges of our own affairs? If on the other hand the Government of India think that the Andhra High Court also should be moved on the appointed day to Andhra territory, I say, well and good. Let them immediately call for a conference of Andhra Legislators after the present session is over or sometime afterwards. We shall then decide the location of the High Court as we did the capital. If other conditions are also favourable by all means let us have *our own* High Court in *our own* territory on the day when our new State is born.

"In the fervent hope that all hon. Members will definitely not fail to see the reasonableness of my amendment and vote unanimously for the same irrespective of party feelings, I shall conclude, Sir."

11 a.m. * SRI T. VISWANATHAM:—"I already stated that for the present myself and my party have decided to keep the provisions as they are at present. Let it not be imagined that we are not anxious to have the Andhra High Court in our own area. But hon. Members may be aware of the impracticability and difficulties that have arisen, direct or otherwise out of our trying to move the Andhra Secretariat and the Legislature to a place different from Madras, where all along we have been running a combined administration."

SRI P. RAMAMURTHI:—"On a point of order, Sir. I am afraid that Sri Viswantham is thinking that we are discussing the amendment to the clause requiring a date to be fixed for the location of the High Court. We are now on the clause which seeks to provide a seat for the Andhra High Court."

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* SRI T. VISWANATHAM:—"Let me inform Mr. Ramamurthi that I was speaking only on the practical difficulties involved in moving the High Court to Andhra on the appointed day. I do not want to enter into any dispute with any one. It was on the grounds of practicability that myself and my party decided in favour of preserving the *status quo* till such time as the Andhra Legislature decided the exact date of location of the Andhra High Court. A suggestion had been put forward that the decision regarding the location of the Andhra High Court itself should be left to the Andhra legislators to decide, and not to the Chief Justice or Governor. A section opposes discretion being given to the Governor to decide upon the exact location of the Andhra High Court on the advice of the Chief Justice. A careful scrutiny of the clause will reveal that not only the High Court but even the division courts thereof shall sit at such place or places in the State of Andhra as the Chief Justice may, with the approval of the Governor of Andhra, decide. It is not merely a clause. It is a comprehensive clause which relates not merely to the location of the principal seat of justice but also to certain other matters connected with it and also with the arrangement connected with the selection of suitable places for the functioning of division courts also. These are matters which concern the Chief Justice only and of course to some extent Government also. But can it be said that it falls under the purview of the Legislature? For instance, can we pass a resolution in the Andhra Legislature saying that such and such a place shall, after some day, form the site of the office of the Chief Engineer? Is it not a domestic matter that should be decided by the chief of that department and the Government? Can such a small matter, which falls within the purview of day-to-day administration be discussed in the Legislature? Surely not. These are things that are being decided by Government in their day-to-day administration. Why should we, legislators, bother over those trivial details as the location of the office of the Chief Engineer or any such matter connected therewith? Those who are conversant with the ordinary running of administration will realize that the Legislative Assembly is not the best medium to consider these questions but that these are matters which are generally left to the executive administration. What do we find in this clause? I see nothing overriding our powers in it. The power to decide the location of the High Court and division courts has been given to the Chief Justice, who is the head of the department of justice. Is it any wonder that he is given such a power? After all he alone is the competent judge in these domestic matters under his charge. That is why myself and my party do not oppose it. That is why we did not want to interfere with the present arrangement. We allowed the *status quo* to continue for some more time. As soon as things settle down, we will lose no time in moving the High Court to our own Andhra. Let no one have any misgivings on that score.

"Sir, some friends have expressed the fear that the Governor's rule may come into being on the 1st October 1953. No doubt,

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Sir, it is true that the Andhra Legislature is composed of diverse political parties no one commanding an absolute majority to form the Government. After all, Sir, in our democracy the Governor is only the constitutional head. He carries on the administration with the advice of a Council of Ministers. The Governor has got to call the leader of the majority party in the Legislature to form the Government. On my own behalf and on behalf of the party I represent, let me assure those hon. Friends who have expressed the fear that the Governor's rule may come into being on the 1st October 1953 in Andhra, that no such thing shall ever happen. There will be a Ministry. Though it may not command a big majority, yet it will have a workable majority. I do not think it is an insurmountable difficulty. We will have a popular Ministry. The Government will be there. The Assembly will be there. We will be there. The Ministers will be there. In fact I expect lively discussions in our new Legislature, for as you know, Mr. Speaker, I am one of those who are fond of lively discussions on the floor of the House always. I am anxiously looking forward for that day, I mean, 1st of October 1953, though personally speaking I would prefer the 2nd instead of the 1st. (Cheers.)

“As a matter of fact it may be seen from the Constitution that nowhere is it stated that the place of the High Court of a State shall be determined by its Legislature. In fact it is a thing that is to be decided by the Chief Justice and the Government. To suit his administrative convenience and taking into account all other relevant factors, the Chief Justice shall determine the place of the High Court and the division courts. There is nothing unnatural in this. We are not taking away the democratic right of the Andhra Legislature by giving power to the Chief Justice to decide the location of the High Court. Because of the impracticability of moving the Andhra High Court on the appointed day itself and the incidental difficulties that such a procedure may involve, we have decided in favour of the clause as it stands.”

* THE HON. SRI C. SUBRAMANIAM:—“Sir, I have listened with great respect to the speech of the hon. Member Sri T. Viswanatham and I may say that I agree with him. With regard to the location of the High Court and the division courts I am inclined to agree with Sri Viswanatham that the same should be left to the discretion of the Chief Justice and not to the Legislature. Nowhere in the Constitution is it stated that the location of High Court of a State shall be determined by its Legislature. There is no constitutional bar against the Chief Justice determining the location of the High Court and the division courts under his jurisdiction. In fact the Government have got the power to change the location of courts to suit their administrative convenience. But that, of course, would be done only in consultation with the Chief Justice.

“Let not Mr. Nagi Reddi and others have any misgivings whether there would be Governor's rule in the new Andhra State at the outset. Let me tell Mr. Nagi Reddi that for my part

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[Sri C. Subramaniam]

would very much appreciate a popular Ministry functioning from the very outset. The new Andhra State should have a popular Chief Minister and Ministers like Sri Viswanatham so that lively discussions of a more lively character than ours will take place in the new Andhra Legislature. Let us hope for the best. I would very much appreciate a popular Government functioning in our sister Andhra State at the time the new State is born.

“ Let me now come to the present controversy? What is it? Some object to the power being given to the Governor to choose the place of the High Court and division courts in consultation with the Chief Justice?

“ My own view is that the provision as it is giving the power 11-10
to the Governor to locate the initial seat of the High Court will a.m.
suffice. But if you want to take a vote and decide about it in this Assembly, I should say that it should be left to the Andhra Members to decide about it and the Members of the residuary Madras State should not impose their decision and their views on the Andhra Members. Taking an impartial and impersonal view of the whole thing, I am inclined to think that it is for the hon. Members coming from the Andhra to decide on it. But practical convenience is in favour of the provisions made in the draft Bill. If necessary I have no objection and I think it would be better also to amend the clause to read ‘ The Governor in consultation with the Chief Justice of Andhra ’, because the Governor is responsible personally not only for the Executive but he is the head of the whole State and it is but fair that the Governor should be given the power to locate the seat of the High Court in consultation with the Chief Justice. That may be a proper thing and we should not bring in the Members of the Assembly or the Assembly as such into the picture. The ultimate responsibility and the ultimate power vest in the Assembly as the representatives of the people and they can always change the place. But the initial choice should be left to the Governor. I would therefore appeal to the hon. Members coming from the residuary Madras State that we should not impose either our views or our decision on this matter. It should be left to the Andhra Members to take a decision on this.”

* SRI P. RAMAMURTHI:—“ Sir, I want just to clarify one point. I do not want it to be understood that there is any interference in the internal affairs of the future Andhra State by the Members who are not Members of the Andhra State. Here we are not deciding the question of the location of the High Court. But we are deciding a certain principle and that principle, we feel, should be a democratic one. The Andhra Members must have a voice in that. Therefore, this is not a question of interference. I am unable to accept the suggestion.”

THE HON. SRI C. RAJAGOPALACHARI:—“ Division courts also? ”

[Sri P. Ramamurthi] [21st July 1953]

SRI P. RAMAMURTHI:—"I will omit reference to division courts and recast the amendment as follows:—

"That this House recommends to the Parliament of India that clause 36 of the Andhra State Bill be amended so as to provide that the High Court of Andhra shall sit at such place in the State of Andhra as the Members of the Legislative Assembly of that State may decide at a meeting."

MR. SPEAKER:—"The question is—

"That this House recommends to the Parliament of India that clause 36 of the Andhra State Bill be amended so as to provide that the High Court of Andhra shall sit at such place in the State of Andhra as the Members of the Legislative Assembly of that State may decide at a meeting."

The amendment was put and declared lost.

A poll was demanded and the House divided thus:

11-20
a.m.

Ayes 66.

Sri G. Anjaneyulu.
" T. S. Ardhanari.
" G. Bapanayya.
" Chandra Ramalingaiah.
" Gopalakrishnaiah, Vavilala.
" P. K. Gopalakrishnan.
" K. P. Gopalan.
" K. C. Gopalan Unni.
" K. Govinda Rao.
" M. Hanumantha Rao.
" G. Joseph.
" M. Kalyanasundaram.
" C. Kandasami.
" C. H. Kanaran.
" S. Kasireddy.
" G. C. Kondayya.
" R. Krishnan.
" K. Krishna Rao.
" M. Kune Rao.
" E. T. Kunhan.
" Lakshminarayana Reddi.
" M. Lakshmanaswamy.
" D. Lakshmayya.
" B. Lakshminarasa Raju.
" V. Madanagopal.
" K. Madhavan Nambiar.
" K. Malekondayya.
" G. Nageshwara Rao.
" T. Nagi Reddi.
" P. Narasimha Reddi.
" T. C. Narayana Nambiar.
" M. Narayanasamy.
" M. Palaniandi.

Sri T. Potha Raju.
" C. Prabakara Choudary.
" C. Pulla Reddi.
" K. Rajagopala Rao.
" K. T. Raju.
" P. S. Ramachandra Rao.
" B. Ramakrishna Rao.
" S. Ramalingam.
" P. Ramamurthi.
" N. V. Rama Rao.
" P. Rama Rao.
" V. Rama Rao.
" K. V. Ramesam.
" K. Ranga Rao.
" B. Sankarayya.
" G. Satyanarayana.
" D. Seetharamiah.
" N. Sivaraj.
" N. Sivarami Reddi.
" B. Subba Raju.
" K. Subba Reddi.
" P. Shyameundar Rao.
" Vadivelu.
" M. Veerabhadram.
" K. Venkajiah.
" C. V. K. Rao.
" R. Venkata Jagga Rao.
" Venkataramaraju, Alluri.
" Venkata Rao, Saka.
" P. Venkatasiviah.
" P. Venkatesha Sholagar.
" Venkateswarlu Pillalamarri.
" G. Yellamanda Reddi.

Noes 66.

Sri K. Adikesavalu Naidu.
" K. Appa Naidu.
" Appa Rao Bahadur, Rajah Meka Rangayya.
" T. C. Atchannaidu.
" P. Bapu Naidu.
" N. Chenchurama Naidu.
" V. Chidanandam.
" Gajapathi Raju P. V. R. (Raja of Vizianagaram).
" P. Gunnayya.
" O. Koran.
" K. Koti Reddi.

Srimathi Thamma Kotamma Reddi.
" Sri P. Kunhirama Kidav.
" C. Kunhirama Kurup.
" L. Lakshmana Das.
" G. Latchanna.
" T. Mallayya.
" Dr. K. B. Menon.
" Sri K. Moidu.
" Ch. S. R. V. P. Murthy Raju.
" G. Nagabhushanam.
" N. V. L. Narasimha Rao.
" Narayana Kavali.
" M. Narayana Kurup.

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Noes 66—cont.

Sri S. Narayanappa.
 „ S. Pakkirisami Pillay.
 „ K. V. S. Padmanabha Raju.
 „ M. K. Padmaprabha Gounder.
 The Hon. Sri S. B. P. Pattabhi Rama Rao.
 Sri T. Prakasam.
 „ V. Pundarikakshacharyulu.
 „ M. Rajeswara Rao.
 „ N. Ramabhadra Raju.
 „ D. Ramabrahmam.
 „ H. Ramalinga Reddi.
 „ P. Ranga Reddi.
 „ P. Sangam Naidu.
 The Hon. Sri D. Sanjivayya.
 Sri V. Sankaranarayana Menon.
 „ K. Santhappa.
 „ H. Satyanarayana Dora.
 „ R. Siddanna Gowd.
 „ G. Sivasankara Reddi.
 „ K. T. Sridharan.
 „ Srungaram.

Sri M. Subba Reddi.
 „ C. Subbarayudu.
 „ R. B. V. Sudarsana Varma.
 „ P. Suryaachandra Rao.
 „ K. Suryanarayana.
 „ Suryanarayana Raju, Raja Sagi.
 „ G. Suryanarayana.
 „ P. Thimma Reddi.
 „ K. Varadaohari.
 „ K. Veeranna Padal.
 „ K. V. Vema Reddy.
 „ K. Venkata Kurmi Nayudu.
 „ K. Venkata Setty.
 „ M. Venkatasubba Reddi.
 „ T. N. Venkatasubba Reddi.
 „ P. Venkatasubbayya.
 „ A. Venkatasubramaniam.
 „ N. Venkatayya.
 „ K. Venkatnarayana Dora.
 „ A. Venkatramaiah.
 „ T. Viswanatham.

Neutral 103.

Sri Aigyanar.
 „ L. Anandan.
 „ T. Anantha Pai.
 „ Anthony Peter.
 „ K. Aranganathan.
 „ R. S. Arumugam.
 „ V. Arumugam.
 „ V. Balakrishnan.
 „ B. Bhaktavatsalu Naidu.
 „ K. H. Bomman.
 „ M. Chadayan.
 „ P. Chellathurai.
 „ O. Chengam Pillai.
 „ S. Chinnakaruppa Thevar.
 „ V. S. Chinnasami Naidu.
 „ V. Chinnayya.
 „ AR. A. R. M. Chokkalingam Chettiar.
 „ V. Darmalinga Nayakar.
 „ M. Dharmalingam.
 „ T. P. Elumalai.
 „ W. J. Fernandez.
 „ K. Gajapathy Reddy.
 „ T. Ganapathy.
 „ M. Gangappa.
 „ V. Gopala Gounder.
 „ G. Govindan.
 „ K. Ishwara.
 „ M. Jagannathan.
 „ M. Kandaswami Padayachi.
 „ S. Kandaswami Gounder.
 „ P. G. Karuthiruman.
 „ M. Kattimuthu.
 The Hon. Dr. U. Krishna Rao.
 Sri P. S. Krishnaswami Ayyangar.
 „ R. Krishnaswami Naidu.
 „ Kunhi Muhamed Shafee.
 „ R. Kuppaswami.
 The Hon. Sri K. P. Kuttikrishnan Nayar.
 Sri S. Lakshmana Gounder.
 „ K. S. Lakshminipathy Naicker.
 „ N. Mahalingam.
 The Hon. Sri M. A. Manickavelu Naicker.

Sri P. G. Manickam.
 „ M. Marimuthu.
 „ Mahomed Salih Maraikayar.
 „ N. Mounaguruswamy Naidu.
 „ M. S. Munisami Pillai.
 „ C. Muthiah Pillay.
 „ V. Muthu.
 „ Muthukumaraswamy.
 „ A. Muthuswami.
 „ B. R. M. Muthu Thevar.
 The Hon. Dr. R. Nagan Gouda.
 Sri V. R. Nagarajan.
 „ P. S. Nalla Gounder.
 „ B. K. Nallasamy.
 „ M. Palanimuthu.
 The Hon. Sri V. C. Palanisami Gounder.
 Sri V. K. Palanisami Gounder.
 „ R. S. K. Pandian.
 „ B. Parameswaran.
 „ S. Parameswarappa.
 „ K. Parthasarathy.
 „ S. Radhakrishnan.
 „ E. L. Raghava Mudaliar.
 „ N. Rajagopal.
 „ C. Rajam Ramasami.
 „ K. Rajaram.
 „ N. Ramakrishna Ayyar.
 „ K. Ramasamy Doss.
 „ S. S. Ramasamy Padayachi.
 „ A. Ramasamy Thevar.
 „ P. S. Rangasamy Naidu.
 „ R. Rangasamy Gounder.
 „ N. Rathina Gounder.
 „ E. K. Sankara Varma Raja.
 „ K. M. Seethi.
 „ P. Selvaraj.
 „ A. Senapathy Gounder.
 „ Shaanmuga Rajeswara Sethupathi.
 The Hon. Raja Sri (Raja of Ramnad).
 The Hon. Sri A. B. Shetty.
 Sri Sirasappa Ijari.
 „ S. Somayajulu.

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Neutral 103—cont.

Dr. T. S. Soundaram Ramachandran.	Sri G. Vagheesam Pillay.
Sri A. S. Subbaraj.	„ A. Vaikuntam.
The Hon. Sri C. Subramaniam.	„ T. R. Varadan.
Sri I. K. Subramania Pillai.	„ O. Venkatasubba Reddi.
„ R. Thangavelu.	„ S. Venkatrama Ayyar.
„ S. P. Thiagaraja Pillay.	The Hon. Sri K. Venkataswamy Naidu.
„ S. Thinakarasaami Thevar.	Sri M. Venugopala Gounder.
„ P. K. Thirumurthi.	„ K. Vinayakam.
„ K. Uppi.	„ S. C. Virupakshiah.
„ P. Urkavalan.	„ K. R. Viswanathan.

Ayes 66 ; Noes 66 ; Neutral 103.

MR. SPEAKER:—“ The result of the voting is Ayes 66, Noes 66 and Neutral 103.

“ I think this is the first time here that the Speaker has got to exercise his casting vote. Under the Constitution the Speaker should not vote in the first instance, but he has got a casting vote. But the convention is that he should give the reason for the way in which he exercises his casting vote to avoid any imputation of partiality. In England the principle has been laid down that the casting vote should be so exercised as not to change the position. In other words, the *status quo* should be maintained. So I give my vote against the amendment. The final result is—

‘ Ayes 66, Noes 67 and Neutral 103.’ ”

The amendment is lost.

The amendment of Sri T. Nagi Reddi (No. 91) was put and lost.

MR. SPEAKER:—“ I am now going to put Mr. G. Latchanna's amendment (No. 92) to vote. The question is—

“ This Assembly recommends that for the words ‘ at such place or places ’ the words ‘ in any of the two centres indicated by Justice Wanchoo and in the light of Sri Bagh Pact ’ be substituted.”

The amendment was put and declared lost. A poll was demanded. The division bell was then rung.

MR. SPEAKER:—“ I shall now read the amendment.”

SRI T. VISWANATHAM:—“ One amendment has already been lost.”

MR. SPEAKER:—“ It is only a view. There is difference between amendment and view.”

SRI T. VISWANATHAM:—“ In that case there will be no finality to any view.”

MR. SPEAKER:—“ Does Visala Andhra come within the scope of the Bill? ”

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a.m.

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SRI T. VISWANATHAM :—" With regard to Visala Andhra, for example, to-morrow I may move another amendment, and say that that is my view. When once we vote for a thing we must stick to the general principle thereof; if not to the letter of it, at least to the spirit of it. When a question has been decided, we have to rule out other things covered by it."

MR. SPEAKER :—" Let the hon. Member explain what he means."

SRI T. VISWANATHAM :—" It is decided that the High Court of Andhra and the Judges and division courts thereof shall sit at such place or places in the State of Andhra as the Chief Justice may, with the approval of the Governor of Andhra, appoint. How can we have another amendment, because a view has been taken . . ."

MR. SPEAKER :—" When was it taken? "

SRI T. VISWANATHAM :—" One amendment has just now been thrown out."

MR. SPEAKER :—" The amendment to clause 36 given notice of by the Leader of the Opposition was thrown out by the House."

SRI T. VISWANATHAM :—" The House having given its verdict on that amendment . . ."

MR. SPEAKER :—" That is altogether different. What does the hon. Member want now? Does he want the Sri Bagh Pact to be honoured? That is the amendment of the hon. Member Sri Latchanna."

SRI T. VISWANATHAM :—" I thought that amendment having been rejected, clause 36 stood."

MR. SPEAKER :—" The present amendment is perfectly in order."

SRI C. V. K. RAO :—" On a point of order, Sir. I want a clarification. In regard to an earlier amendment, you said that in order to maintain the *status quo* you exercised your casting vote against that amendment. How can we take up another amendment now to that clause. I want to know whether it is in order to take up this amendment now."

MR. SPEAKER :—" The House may or may not accept this amendment."

SRI P. RAMAMURTHI :—" Sir, we have not yet taken the original clause for voting. There are other amendments on the order paper. After all the amendments are disposed of, the original clause may be taken up."

MR. SPEAKER :—" That is what I am doing."

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SRI N. RAMAKRISHNA AYYAR:—"When once Kurnool has been chosen as the capital, can it be said now that the High Court shall sit in any of the two centres indicated by Justice Wanchoo—Tirupati or Guntur?"

MR. SPEAKER:—"This House has nothing to do with all that. If hon. Members want to throw out this amendment, they can throw it out. It is entirely in their hands."

Voting on the amendment of Sri G. Latchanna (No. 92) then commenced.

The House divided as follows:—

Ayes 52.

Sri K Adikesavalu Naidu.	Sri H. Ramalinga Reddi.
" K. Appala Naidu.	" N. V. Rama Rao.
" Appa Rao Rahadur, Rajah Meka Rangayya	" K. V. Ramesam.
" T. C. Atchannaidu.	" A. Rami Reddi.
" Bapu Naidu.	" P. Ranga Reddi.
" N. Chenchurama Naidu.	" P. Sangam Naidu.
" V. Chidanandan.	The Hon. Sri D. Sanjivayya.
" D. Dasaratharamaiah Naidu.	Sri K. Santhappa.
" M. Gangappa.	" H. Satyanarayana Dora.
" P. Gunnayya.	" R. Siddanna Gowd.
" K. Koti Reddi.	" G. Sivasankara Reddi.
Srimathi Thamma Kotamma Reddi.	" M. Srungaram.
Sri B. Krishnamurthy Rao.	" M. Subba Reddi.
" L. Lakshmana Das.	" R. B. V. Sudarsana Varma.
" G. Latchanna.	" K. Suryanarayana.
" T. Mallayya.	" Suryanarayana Raju Raja Sagi.
" Ch. S. R. V. P. Murthy Raju.	" P. Thimma Reddi.
" G. Nagabushanam.	" K. Varadachari.
" Narayana Kavali.	" K. Veeranna Padal.
" S. Narayanappa.	" K. V. Vema Reddy.
" Asi Neeladrirao Reddi.	" K. Venkata Setty.
The Hon. Sri S. B. P. Pattabhi Rama Rao.	" T. N. Venkatasubba Reddi.
Sri P. Pundarikakshacharyulu.	" P. Venkatasubbayya.
" M. Rajeswara Rao.	" A. Venkatasubramaniam.
" D. Ramabrahmam.	" N. Venkatayya.
	" K. Venkatarayana Dora.
	" A. Venkatramaiah.

Noes 84.

11-50 a.m.	Sri G. Anjaneyalu.	Sri P. Kunhirama Kidav.
	" Appalaswami, Bojja.	" C. Kunhirama Kurup.
	" T. S. Ardhanari.	" Lakshminarayana Reddi.
	" K. Bapanna Dora.	" M. Lakshmanaswamy.
	" G. Bapanayya.	" D. Lakshmayya.
	" Chandra Ramalingaiah.	" B. Lakshminarasa Raju.
	" P. V. R. Gajapathi Raju (Raja of Vizianagaram).	" V. Madanagopal.
	" P. K. Gopalakrishnan.	" K. Madhavan Nambiar.
	" K. P. Gopalan.	" K. Malakondayya.
	" K. C. Gopalan Unni.	Dr. K. B. Menon.
	" K. Govinda Rao.	Sri K. Moidu.
	" M. Hanumantha Rao.	" G. Nageshwara Rao.
	" G. Joseph.	" T. Nagi Reddi.
	" M. Kalyanasundaram.	" N. V. L. Narasimha Rao.
	" C. Kandasami.	" P. Narasimha Reddi.
	" C. H. Kanaran.	" M. Narayana Kurup.
	" S. Kasireddy.	" M. Narayana Nambiar.
	" O. Koran.	" T. C. Narayana Nambiar.
	" R. Krishnan.	" M. Narayanasamy.
	" K. Krishna Rao.	" K. V. S. Padmanabha Raju.
	" M. Kune Rao.	" M. K. Padmaprabha Gounder.
	" E. T. Kunhan.	" T. Potha Raju.
		" C. Prabakara Choudary.

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Noes 84—cont.

Sri T. Prakasam.
 „ C. Pulla Reddi.
 „ K. Rajagopala Rao.
 „ K. T. Raju.
 „ N. Ramabhadra Raju.
 „ P. S. Ramachandra Rao.
 „ B. Ramakrishna Rao.
 „ S. Ramalingam.
 „ P. Ramamurthi.
 „ P. Rama Rao.
 „ V. Rama Rao.
 „ K. Ramiah Choudary.
 „ K. Ranga Rao.
 „ B. Sankarayya.
 „ G. Satiyanarayana.
 „ D. Seetharamiah.
 „ N. Sivaraj.
 „ N. Sivarami Reddi.
 „ K. T. Sridharan.
 „ B. Subba Raja.

Sri K. Subba Reddi.
 „ C. Subbarayudu.
 „ P. Suryachandrarao.
 „ G. Suryanarayana.
 „ P. Shyamsundar Rao.
 „ S. Vadivelu.
 „ M. Veerabhadram.
 „ K. Venkaiah.
 „ C. V. K. Rao.
 „ R. Venkata Jagga Rao.
 „ K. Venkata Kurmi Nayudu.
 „ Venkataramaraju, Alluri.
 „ Venkata Rao, Saka.
 „ P. Venkatasiviah.
 „ M. Venkatasubba Reddi.
 „ P. Venkatesha Sholagar.
 „ Venkateswarlu, Pillalamarri.
 „ T. Viswanatham.
 „ G. Yellamanda Reddi.

Neutral 115.

Sri Aiyyanar.
 „ L. Anandan.
 „ T. Anantha Pai.
 „ Anthony Peter.
 „ K. Aranganathan.
 „ Ardhanareswara Gounder.
 „ R. S. Arumugam.
 „ S. R. Arumugam.
 „ V. Arumugam.
 „ V. Balakrishnan.
 „ B. Bhaktavatsalu Naidu.
 „ K. H. Bomman.
 „ M. Chadayan.
 „ P. Chellathurai.
 „ O. Chengam Pillay.
 „ S. Chinnakaruppa Thevar.
 „ V. S. Chinnasami Naidu.
 „ V. Chinnayya.
 „ AR. A. RM. Chokkalingam Chettiar.
 „ V. Darmalinga Nayakar.
 „ M. Dharmalingam.
 „ T. P. Elumalai.
 „ W. J. Fernandez.
 „ Gajapathi Reddy.
 „ T. Ganapathy.
 „ V. Gopala Gounder.
 „ Gopalakrishnaiah Vavilala.
 „ G. Govindan.
 „ K. Ishwara.
 „ M. Jagannathan.
 „ M. Kandasamy Padayachi.
 „ S. Kandaswami Gounder.
 „ V. K. Kannan.
 „ P. G. Karuthiruman.
 „ M. Kattimuthu.
 „ M. K. Kempai Gounder.
 „ G. C. Kondayya.

The Hon. Dr. U. Krishna Rao.

Sri P. S. Krishnasamy Ayyangar.

„ R. Krishnaswami Naidu.

„ Kunhi Muhamed Shafee.

„ R. Kuppaswami.

The Hon. Sri K. P. Kuttikrishnan Nayar

Sri S. Lakshmana Gounder.

„ K. S. Lakshmiapathy Naicker.

„ N. Mahalingam.

The Hon. Sri M. A. Manickavelu Naicker.

Sri P. G. Manickam.

„ M. Marimuthu.

„ Mahamed Salih Marajkayar.

„ N. Mounaguruswamy Naidu.

„ M. S. Munisami Pillay.

„ P. M. Munuswamy Gounder.

„ C. Muthiah Pillai.

„ V. Muthu.

„ M. C. Muthukumaraswamy.

„ A. Muthuswami.

„ B. R. M. Muthu Thevar.

The Hon. Dr. R. Nagan Gouda.

Sri V. R. Nagarjan.

„ P. S. Nalla Gounder.

„ B. K. Nallasamy.

„ G. Narayanasamy Naidu.

„ S. Pakkirisami Pillay.

„ M. Palaniandi.

„ M. Palanimuthu.

The Hon. Sri V. C. Palanisami Gounder.

Sri V. K. Palanisami Gounder.

„ R. S. K. Pandian.

„ B. Parameswaran.

„ S. Parameswarappa.

„ K. Parthasarathy.

„ S. Radakrishnan.

„ E. L. Raghava Mudaliar.

„ D. K. Raju.

„ N. Rajagopal.

„ C. Rajam Ramasami.

„ K. Rajaram.

„ A. Ramachandra Reddiar.

„ N. Ramakrishna Ayyar.

„ K. Ramasamy Doss.

„ S. S. Ramasamy Padayachi.

„ A. Ramasamy Thevar.

„ P. S. Rangasamy Naidu.

„ R. Rangasamy Gounder.

„ N. Rathina Gounder.

„ A. Sambasivam.

„ E. K. Sankara Varma Raja.

„ K. M. Seethi.

„ P. Selvaraj.

„ A. Senapathy Gounder.

The Hon. Sri Shanmuga Rajeswara Sethupathi Raja (Raja of Ramnad).

The Hon. Sri A. B. Shetty.

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noon.

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Neutral 115—cont.

Sri Sirasappa Ijari.
 „ S. Somayajulu.
 Dr. T. S. Soundaram Ramachandran.
 Sri A. S. Subbaraj.
 The Hon. Sri C. Subramaniam.
 Sri I. K. Subramania Pillay.
 „ S. P. Thangavelu.
 „ Thiagaraja Pillay.
 „ S. Thinakarasaami Thevar.
 „ P. K. Thirumurthi.
 „ K. Uppi.

Sri P. Urkavalan.
 „ G. Vagheesam Pillay.
 „ A. Vaikuntam.
 „ T. R. Varadan.
 „ O. Venkatasubba Reddi.
 „ S. Venkatrama Ayyar.
 The Hon. Sri K. Venkatswamy Naidu.
 Sri M. Venugopala Gounder.
 „ K. Vinayakam.
 „ S. C. Virupakshiah.
 „ K. R. Viswanatham.

Ayes 52; Noes 84 and Neutral 115.

The amendment was lost.

MR. SPEAKER:—“ Hereafter I will simply ask hon. Members to stand in their places and count their number. I am not going to allow any more divisions. This division has unnecessarily been asked for.

“ We are now on amendment No. 93.”

SRI VAVILALA GOPALAKRISHNAIAH:—“ I do not know what happened to clause 28, Sir.”

MR. SPEAKER:—“ We will come to that afterwards.”

SRI VAVILALA GOPALAKRISHNAIAH:—“ Sir, if clause 28 is accepted *in toto* my amendment need not be here at all. That is my submission. We have not yet passed the first clause, clause 28. That is the most vital clause. Clause 36 is only a consequential clause.”

MR. SPEAKER:—“ I think the hon. Member has given notice of an amendment to clause 28 also. Then let him not move this amendment.”

SRI VAVILALA GOPALAKRISHNAIAH:—“ My amendment is about the date.”

MR. SPEAKER:—“ Let the Hon. the Leader of the House explain what Mr. Gopalakrishnaiah wants.”

THE HON. SRI C. SUBRAMANIAM:—“ Let the hon. Member state whether he is pressing his amendment or not. It is for the Member to say whether he wants to press his amendment or not. If he does not want to press, he need not.”

SRI VAVILALA GOPALAKRISHNAIAH:—“ Sir, you asked the Leader of the House to explain what I wanted. But he said that if I wanted to press the amendment, I might do so. My submission is that clause 36 is subsequent to clause 28. If clause 28 is not passed . . . ”

MR. SPEAKER:—“ We will take up clause 28 afterwards. I will now put the amendment to the vote of the House.”

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* THE HON. SRI C. SUBRAMANIAM:—“ The amendment of 12-10 p.m.
Sri Vavilala Gopalakrishnaiah has nothing to do with clause 28. This clause relates to the seat of the High Court and he is suggesting Guntur for that. It has nothing to do with clause 28 at all.

“ The amendments of Messrs. Vavilala Gopalakrishnaiah (Nos. 93 and 94), T. Lakshminarayana Reddi (No. 95), N. Gopala Menon (No. 96), H. Satyanarayana Dora (No. 97), K. Krishna Rao (No. 101) and K. Venkaiah (No. 102) were, by leave, withdrawn.

“ Now, Sir, we may resume our discussion on clause 28.”

MR. SPEAKER:—“ I have no objection. We shall take up clause 28 now.”

Clause 28.

* SRI P. RAMAMURTHI:—“ Sir, after discussion and consultation among various sections of the House, I move the following amendment to amendment No. 81 given notice of by Messrs. T. N. Venkatasubba Reddi and Ramakrishna Ayyar:—

‘ Add at the end the words “ which shall not be later than June 1, 1954.” ’

“ My amendment seeks to specify the date for the constitution of the Andhra High Court. The amendment as amended will read as follows:—

‘ For sub-clause (2), substitute the following:—

“(2) The President shall, as soon as may be convenient or on the passing of a resolution by the State Assembly of the Andhra State appoint by notification in the Official Gazette a date for the purpose of sub-clause (1), which shall not be later than June 1, 1954.” ’

This is a very simple amendment.

MR. SPEAKER:—“ Is it an agreed amendment? ”

SRI P. RAMAMURTHI:—“ Sir, there is a large measure of agreement, but I am afraid there has not been unanimity.”

* SRI T. N. VENKATASUBBA REDDI:—“ I think it is not advisable to add these words for the reason that if it is found convenient to transfer the High Court by 1st June 1954, it is open to the President or to the Assembly to take immediate steps for the purpose. If we fix the date now, it will add to the already great difficulties of organising a Capital, for we may have to find another town for the establishment of the High Court in a hurry. So, we must not fix a definite date by which time the High Court should move to a new place. There must be some laxity so that the President or the Andhra Assembly may decide the question. I think, therefore, my amendment need not be amended further in the interest of the new State.”

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MR. SPEAKER:—"First I will put the amendment of the Leader of the Opposition to the vote of the House. If it is carried, then I will put the amendment of Sri Venkatasubba Reddi, as amended, to the vote of the House. The question is—

'Add at the end of Sri Venkatasubba Reddi's amendment (No. 81) the words "which shall not be later than June 1, 1954".'

The amendment was put and carried.

MR. SPEAKER:—"I will now put the amendment as amended to the vote of the House. The question is—

'For sub-clause (2), substitute the following:—

"(2) The President shall, as soon as may be convenient or on the passing of a resolution by the State Assembly of the Andhra State appoint by notification in the Official Gazette a date for the purpose of sub-clause (1), which shall not be later than June 1, 1954".'

The amendment, as amended, was put and carried.

The amendments of Messrs. P. Ramamurthi (No. 75), D. Seetharamiah (No. 76), G. Yellamanda Reddi (No. 77), Vavilala Gopalakrishnaiah (No. 78), N. Gopala Menon (No. 79), K. Rajagopala Rao (No. 82), C. R. Ramaswamy (No. 83), D. Seetharamiah (No. 84) K. Venkaiah (No. 85) and M. Veerabhadram (No. 86) were, by leave, withdrawn.

MR. SPEAKER:—"We will now take up clause 38."

Clauses 38 and 41.

The following amendments were moved by the hon. Members in whose names they were standing and duly seconded:—

* THE HON. SRI C. SUBRAMANIAM—

"103 *These clauses should be amended so as to provide that the pending proceedings to be transferred from the Madras High Court to the Andhra High Court/Mysore High Court shall be those specified in lists prepared by the Chief Justice of the Madras High Court and notified by the Chief Justice of India.*"

SRI T. VISWANATHAM—

"104 *This House recommends that clause 38 be amended so as to vest the Andhra High Court with jurisdiction and power to hear and decide all pending proceedings at the stage at which they would be on the date of their transfer from the Madras High Court and that sub-clause (2) of clause 38 be deleted.*"

Sub-clauses (1) and (2).

SRI T. PRAKASAM—

"105 *This House recommends that sub-clauses (1) and (2) be deleted.*"

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Sub-clause (3).

SRI K. VARADACHARI:—

“ 106 Insert the following proviso:—

‘ Provided that in the case of writs or any proceedings of a like nature pending in the High Court of Madras the Chief Justice of Madras and the Chief Justice of Andhra High Court shall decide jointly in which High Court the writ or other proceedings shall be retained or to which Court the same is to be transferred.’ ”

* SRI T. VISWANATHAM:—“ Sir, my amendment is very simple. It relates to a situation which will arise after the High Court of Andhra is established. According to the provision made in the present Bill, even after the formation of the Andhra High Court, it is expected that appeals and reviews over certain decisions given by the Madras High Court shall continue to remain within the jurisdiction of the Madras High Court. The position, therefore, will be that although we have got for original jurisdiction and some other matters a separate Andhra High Court, still with regard to certain appeals and review petitions, we have to come again to Madras. It is a situation which cannot be contemplated with any sense of satisfaction. If this provision is made, several anomalies will arise and similar questions may be taken up and contradictory judgments given by the Andhra High Court on the one side and the Madras High Court on the other, on points arising in appeals. Therefore, if the appellate jurisdiction is vested in the Madras High Court, any amount of confusion will be created. So, I submit that as soon as the Andhra High Court is formed, all pending proceedings should be transferred to the Andhra High Court and that High Court should be vested with the power of continuing those proceedings from the stage at which they were transferred. Only one difficulty might arise with regard to review petitions. Review is a matter falling within certain clauses of the Civil Procedure Code. When once the Central Government pass this Act and say that all proceedings shall be transferred, the Andhra High Court itself, under the Civil Procedure Code, will get the power of suitably amending the concerned provision to provide for review petitions. Even assuming that the Andhra High Court, under its powers, cannot change the rules with regard to review petitions, still the Government of India who are creating the Andhra High Court for the first time can provide for a suitable amendment of the Civil Procedure Code. The result of it would be this. The procedure, after the formation of the High Court, if my amendment is to be accepted, is that all matters which arise within the territories of the Andhra State and which are within the jurisdiction of the Andhra High Court, will be transferred to the High Court of Andhra, including writ proceedings. There is no difficulty even with regard to writ proceedings. Article 226 would apply to the Andhra High Court also. So writ proceedings also can be transferred to the Andhra High Court. All these can be transferred according to the place of original and cause of action,

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My amendment, stated without technical language, will be to this effect. All proceedings which are pending before the Madras High Court shall be transferred to the Andhra High Court as soon as that High Court is created. Naturally, lists will follow. We have got sufficient time. So arrangements should be made to transfer all cases. There is no reason why appeals and review proceedings should remain with the Madras High Court. It will create a lot of anomaly besides causing considerable inconvenience to the litigants and to those who represent the litigants. To avoid these only, I have moved my amendment."

* THE HON. SRI C. SUBRAMANIAM :—" I would like to have some clarification from the hon. Member Sri Viswanatham. My amendment No. 103 also deals with the transfer of cases. His amendment No. 104 deals with a substantial thing, and it is a little bit vaguely worded. It says 'all pending proceedings' should be transferred. It is not clear whether it refers to proceedings that have arisen in areas within the Andhra territory or all the proceedings pending in the Madras High Court relating to other areas as well. This has to be clarified. Further I would like to know from him if he is agreeable to my amendment which is not excluded by his amendment."

SRI T. VISWANATHAM :—" I am sorry for the omission of a small phrase which has to be added to the effect, 'all pending proceedings in respect of matters arisen within the Andhra territory'. This is what I had in my mind. With your permission. I would like to suggest this verbal addition to my amendment. Surely I never meant that all proceedings pending in the Madras High Court should be transferred. That was not my intention."

* THE HON. SRI C. SUBRAMANIAM :—" There is the other question also. We have to lay down a principle. When we say that all matters relating to, or that have arisen in, the Andhra territory should go over to the Andhra High Court, we have to take into consideration certain factors. There may be a case in which the cause of action may have arisen partly in the Madras territory and partly in the Andhra territory. We have to consider all such border-line cases. Therefore there should be some authority who should finally transfer these cases. That is why I have suggested in my amendment that the Chief Justice of Madras will prepare a list of cases and proceedings which will go to the Andhra High Court and which will be notified by the Chief Justice of India. Thus there will be scrutiny of the list by the Supreme Court also. The Government's intention is that the matter of transfer of these cases should not be made a contentious affair and when the list is scrutinized and notified by the Chief Justice of India, it should be considered as final. If for the purpose of convenient hearing, the parties want a transfer of cases afterwards, it should be on an application for transfer of the case on other grounds and not on the ground that there has been wrongful transfer. That principle should be laid down. That is why I have suggested my amendment so that there may not be some sort of suspense with regard to these

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[Sri C. Subramaniam]

transfers. If this is accepted, there may not be much difficulty with regard to Mr. Viswanatham's amendment recommending the deletion of sub-clause (2) which relates to appeals from the judgment of High Court, i.e., Letters Patent Appeals, etc. As regards the point whether certain cases which were decided in the Madras High Court, have to be decided by that Court itself in appeal also or whether they should be transferred to the Andhra High Court, I wish to submit that after all, the same High Court is being split up into two. It is not a case of two separate and new High Courts dealing with these cases. The same High Court is being split up and there may not be any technical objection to the Andhra State High Court dealing with Letters Patent Appeal, etc., on the ground that these should be disposed of by the same High Court which dealt with them originally. So I am agreeable to the deletion of this sub-clause."

THE HON. SRI C. RAJAGOPALACHARI:—"I submit that in order to avoid all ambiguity about the matter, these two amendments should be clubbed together and passed as one resolution so that one may not be in conflict with the other."

* SRI T. VISWANATHAM:—"I am thankful to the suggestion made by the Chief Minister. But my trouble is this. The Civil Procedure Code already provides for cases in which the cause of action arises partly in one territory and partly in another. My point is, if the Chief Justice makes a list of cases, it is certainly liable to be questioned by parties. Because, certain decisions are there and certain interpretations have been given even in the Civil Procedure Code with regard to such cases of transfer and jurisdictional matters. That is the reason why I say that the preparation of a list determining the jurisdiction once for all by the Chief Justice is not quite correct. The Chief Justice has got the right to classify certain appeals to be sent over to one Court and certain others to be sent over to other Courts. But, here the position is not the same. Here, we deal with two different territories. If a decision was taken according to the existing law and if there was doubt, then it must be left to the litigants in that particular case to argue out the case. Each case must be decided on its own merits. That is the reason for my amendment. Amendment No. 103, moved the Hon. Minister will cause difficulty which we want to avoid. Each case has got to be decided on its own merits. Therefore, the Hon. Minister's amendment is not acceptable to me."

* THE HON. SRI C. SUBRAMANIAM:—"We have to consider cases where criminal jurisdiction is involved. As far as the Civil Procedure Code is concerned, it is open to the parties concerned to make a motion for transfer of a case for the sake of convenient disposal. We must consider the position with reference to the Criminal Procedure Code. Take a case where a murder is committed in Adoni or an incident takes place in Adoni and the man is brought to Bellary Hospital and he dies there, and

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a case is pending in the Bellary District Court. If that case has to be disposed of how is it to be decided as to where the cause of action arose? Is it to be decided with reference to the place where the incident took place and where the rioting and stabbing took place, viz., Andhra territory or the place where death took place, viz., Bellary? In such cases, if a decision was taken one way or the other it may be open to the parties to argue that the transfer was made wrongly and that the conviction or decision made on that basis will not be binding on them and so it should be reopened. Our intention is to close the matter once for all as far as the transfer of cases is concerned. That is why we say that the list prepared by the Chief Justice of Madras and notified by the Chief Justice of India should be final and no conviction or order or decision passed or taken on transfer of proceedings should be questioned as such. Of course, it is provided in the Civil Procedure Code that cases may be transferred on regular applications praying for transfer on the ground of convenient disposal. We are not superseding this provision on which applications can be made. So far as criminal proceedings are concerned, the position is entirely different. At every stage, people may go to the Supreme Court stating that a particular order was made by a Court which has no jurisdiction as the transfer itself was wrong. In order to avoid all these things, we want to state clearly here itself that the list as prepared by the Chief Justice of Madras and as notified by the Chief Justice of India should be final."

* SRI T. VISWANATHAM :—" There is some confusion. Even in respect of criminal cases, the Supreme Court has got jurisdiction and there will be no difficulty. What I want to stress is this. When we make a departure from the existing practice, further difficulties may arise. In the case of jurisdiction, transfer of cases, etc., it must be left to the parties and litigants to put forward and argue their respective cases. Each case will have to be decided on its own merits. For different sets of facts, a common rule cannot be made. We have been getting on for years and years with regard to cases in which the cause of action arose partly within the jurisdiction of one area and partly within the jurisdiction of another area.

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" I submit, Sir, the matter may be left to the new High Court to deal with as soon as it is formed. Of course, by this statutory, transfer, if any party is affected, it will be open to that party to raise the point of jurisdiction in the Court. As a matter of fact, if the Andhra High Court is not to do it but even before the formation of the Andhra State, the Chief Justice of Madras High Court should decide which cases according to law should be transferred to the Andhra High Court and which should not be transferred, we will be landing ourselves in further difficulty. There is no cross purpose between me and Mr. Subramaniam in our aims. I only submit that Mr. Subramaniam's amendment, if passed, will create more difficulties because it will deviate from the existing provisions of law and practice."

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* THE HON. SRI C. SUBRAMANIAM:—"Suppose we lay down principles on which the allocation of the pending cases should be made. Who is the authority to carry out those orders? It has not been provided in the Bill. Is it Mr. Viswanatham's intention that in each case, an Andhra party should go over to the Madras High Court with a request that his case is one to be decided by the Andhra High Court and so it must be transferred to that Court? Having laid down certain rules, we must decide the authority who should carry out those rules. So, all that we suggest is that the Chief Justice of the Madras High Court should make out a list of cases which would come under the principles laid down by the Government of India in the Andhra State Bill and should send them to the Supreme Court so that the Chief Justice of India may notify those cases. After all, when the Andhra High Court is formed, it should have some work to do. Even before the 'prescribed date' all the work that should go to the Andhra High Court should be decided so that the new High Court may take up all pending cases. Therefore there is no question of the Andhra High Court as such not exercising a function which it should. Even the joint High Court in Madras will have some judges who, though they may remain here for the time being, may have to go to the Andhra High Court when it is formed. Taking all these things into consideration, we have provided that the Chief Justice of Madras High Court will decide the cases subject to the ratification of the Supreme Court."

SRI T. VISWANATHAM:—"The difference is considerably narrowed. My amendment is merely a verbal one which may be incorporated in clause 1 and the Government amendment may be taken up later."

MR. SPEAKER:—"I would suggest that both the amendments be clubbed together."

SRI T. VISWANATHAM:—"Unless mine is put first, the second does not follow."

* THE HON. SRI C. SUBRAMANIAM:—"Having agreed to the principle, we shall draft it properly with the assistance of the officials concerned and we can take it up later."

'The further consideration of the amendment was postponed.'

MR. SPEAKER:—"There are no amendments to clauses 39, 40 and 41."

Clause 42.

* THE HON. SRI C. SUBRAMANIAM:—"Sir I move—

"108 This clause should be amended so as to empower the Governor of Madras to authorize the expenditure in the Andhra and Madras States, for the period beginning with the appointed day and ending with the 31st March

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1954, and to add that the formalities prescribed in Article 205 of the Constitution in connexion with the Supplementary Grants for the financial year 1953-54 shall be sufficient authority for all expenditure incurred during such period."

SRI T. PRAKASAM:—"Sir, I move—

' 109 This House recommends that provision be made to the effect that under clause 42, it is only the person who will be appointed as Governor of Andhra before the appointed day should have authority to authorize withdrawals from the Consolidated Fund of Andhra State for any expenditure considered necessary for that State and also to include another provision enabling or authorizing the Andhra State Legislative Assembly to take a vote on account for the rest of the financial year in respect of the expenditure of Andhra State.' "

The amendment was duly seconded.

SRI E. L. RAGHAVA MUDALIAR:—"Sir, I move—

" 110 In clause 42, omit the words "and the Consolidated Fund of the State of Madras" occurring after the words "State of Andhra" and also omit the words "or the State of Madras, as the case may be." "

The amendment was duly seconded.

MR. SPEAKER:—"All the amendments are before the House for discussion."

* SRI T. VISWANATHAM:—"Sir, Mr. Prakasam's amendment is a very simple one and it does not conflict with the Government amendment, with regard to the period for which the Governor should get the power of withdrawing money from the Consolidated Fund of the State. All that I say is on the day of the formation of the Andhra State, the Governor of Andhra, whoever the person may be, should be able to issue orders. The Governor of Madras need not issue those orders and there can be no difficulty at all in this arrangement.

* SRI M. HANUMANTHA RAO:—"Sir, I oppose the first amendment moved by the Government because it extends the period from three to six months. The Governor of course must have the right to spend money from the Consolidated Fund of the State for a period of three months due to that period being transitional. At the same time, it is not necessary that the period should be extended to six months and I am surprised at Mr. Viswanatham's explanation when he says that he does not mind extension of time. Because I feel that Mr. Prakasam's amendment itself suggests that the Andhra Governor must be empowered to spend for a period of three months only. For the rest of the period, viz., three months, the Andhra Governor will have to take a vote on account

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from the Assembly. I do not have any objection to the Governor of Andhra or the Governor-designate being empowered to withdraw moneys from the Consolidated Fund of the State. That proposal I completely agree to and support heartily. But with regard to the period, I have very serious objection and it must be three months and nothing more.

“ Another point, I wish to refer to, is that the same process is suggested in the Government amendment with regard to Madras State also. I feel, Sir, it is quite unnecessary here. In the transitional stage, there should be provision no doubt for withdrawing moneys only for a period of three months. Why should it be extended? The State is there; the Legislative Assembly is there and it can continuously arrange its sittings to settle these things. That is why it is still more objectionable in the case of Madras to have the period extended to six months. With these words, Sir, I oppose the Government amendment and support Mr. Prakasam's amendment.”

* SRI K. KRISHNA RAO:—“ Mr. Speaker, Sir, I have to oppose Mr. Prakasam's amendment for this reason. Mr. Prakasam wants to invest the would-be-Governor of Andhra with the power of drawing money. That means a Governor who is not assisted by a Council of Ministers, good, bad or indifferent. It also means that the Governor is not responsible to anybody and he can take all the money. At least in the residuary State, there is a Governor assisted by a Council of Ministers, good, bad or indifferent. You have got them. Why do you want to invest a person who is going to be the Governor at a future date with power to draw money? Please don't do it. This is opposed to the very fundamental principles of democracy. With regard to the Government amendment, I do not see any reason why it should go beyond three months. The original thing is all right. There is no point in extending it up to 31st March 1954.”

SRI K. VARADACHARI:—“ Sir, I am sorry to say that the hon. Member Sri K. Krishna Rao is under a misapprehension. Sri Prakasam's amendment seeks to authorize the Governor of the Andhra State to incur expenditure as contemplated in this clause; because, on the appointed day, there will be a Governor for the Andhra State and the moment he takes oath of office, he can also sign the apportionment of expenditure from the Consolidated Fund. Therefore, there is absolutely no difficulty for the Governor of the Andhra State functioning in this matter. The apprehension of the hon. Member Sri Krishna Rao appears to be that no one will be appointed as Governor for some time. It is not so. The Governor will be appointed on or before 1st October and he will take the oath of office and at the same time he will begin sanctioning expenditure. Therefore, there is no difficulty about it and the hon. Member Mr. Prakasam need not be confronted with the difficulty pointed out by Mr. Krishna Rao.”

* SRI V. R. NAGARAJAN:—“ Sir, the original clause 42 speaks of only three months, whereas the amendment now sought

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to be moved by the Hon. Finance Minister asks for a further period to be given to the Governor to deal with the finances of the States until 31st March 1954. I submit, Sir, whether it is one Governor that is going to deal with both the Provinces or whether there will be another Governor, that cannot be a very important matter in this connexion. On any account, time should not be given for more than three months, because the effect of granting this time will be that the Legislature will not be sitting until 31st March 1954. It would be nullifying the good work that this or the other Legislature may do, and we may not be called upon to deal with the finances of the State for the rest of the year. So it is very necessary that the time asked for should never be until 31st March 1954, but it should cease by 31st December 1953. That is my submission, Sir."

SRI E. L. RAGHAVA MUDALIAR :—" Sir, I feel that by this Bill, the rights of the residuary Madras Legislature should not be affected. So far as the new Andhra State is concerned, it is but meet that such a provision should be there. I do not understand why such a provision should be made for the residuary State at all. I think that if the amendment of the Hon. Finance Minister is accepted, the Legislature will be abdicating its functions and it will be a negation of the very democracy itself. Of course, there may be some technical difficulty. If the Assembly of the Residuary State cannot meet before the appointed day, they could meet on the appointed day or on the subsequent day, and it can vote on account and discuss. Therefore, I submit that all reference to the State of Madras and to the Consolidated Fund of the Madras in clause 42 shall be omitted."

* **SRI VAVILALA GOPALAKRISHNAIAH** :—" Sir, I stand here to oppose the amendment of the Hon. Sri Subramaniam and to support the hon. Member Mr. Prakasam's amendment. Sir, the Hon. Mr. Subramaniam's amendment negatives the whole thing and leaves the appropriation of the amounts into the hands of the Madras Governor, not only for three months, but for the whole of the remaining year, i.e., six months. My submission is this. The amendment of Mr. Prakasam states that it must be left to the Governor of the Andhra. But it must be left in the hands of the Andhra Governor and it should be only for three months and the Governor should be asked to face the Assembly and ask the Assembly for the power to withdraw from the Consolidated Fund. Though the spirit of clause 42 as it stands is good, they have authorized the Madras Governor to withdraw funds. When two parties are there and when the division is going on, naturally there will be some misunderstandings. As Mr. Krishna Rao said, at least there is a Cabinet in the composite State. There won't be an Andhra Ministry on the formation of the Andhra State. So the whole allotment may be more unfavourable to Andhra.

" Sir, the Central Government have appointed a Special Officer and he may be appointed as the Governor on the 1st October or even before. Before that, he must be authorized to withdraw or incur expenditure from the Consolidated Fund. When the

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Governor appointed for the Andhra State takes up his office, the Consolidated Fund has to be divided, as the Consolidated Fund of the Andhra State and the Consolidated Fund of the residuary Madras State. So I request this House and Parliament to take that aspect into consideration. We know there is every doubt that there may not be any Ministry in the Andhra State immediately. We are afraid that there will be Governor's rule. Of course, we do not wish it. As a matter of fact we wish it should be a democratic State and the Assembly should be functioning. Now we see day-to-day changes and day-to-day manœuvres in politics; something may happen, I can only say it will be '*politricks*'; some tricks will happen and that is why I say the Andhra State Governor should be authorized to allot funds for three months. If he cannot then convene the Assembly and get funds sanctioned, the President may decide on the next step. But as things stand now, let the Andhra Governor have three months only for expending sums. It should be the Andhra Governor and not the Madras Governor. That is my submission, Sir."

SRI PILLALAMARRI VENKATESWARLU:—"Sir, I hope there will be no objection either to the Hon. Sri Rajagopalachari or the Hon. Sri Subramaniam to leave matters to the Andhra State, the Andhra Governor and the Andhra Cabinet. But unfortunately, both in the Bill as well as in the amendment suggested the Hon. the Finance Minister seeks to vest powers in the Madras Governor . . ."

THE HON. SRI C. SUBRAMANIAM:—"It is because of some legal difficulties."

SRI PILLALAMARRI VENKATESWARLU:—"Sir, the principle of authorizing the Madras Governor to spend for the Andhra State from the Consolidated Fund is in itself wrong. If there is any legal difficulty, the Hon. Sri Subramaniam may set it right in a legal way and in a legal manner and if necessary, the Constitution may also be amended. In this connexion, I submit that the Central Government, as we are given to understand, are thinking of forming a number of new States on linguistic basis, by amending the Constitution itself, if need be. They will be making provision for the Governors of these new States to spend from the Consolidated Fund of the previous composite State. I therefore feel that there is no need to empower the Governor of Madras to authorize the expenditure in the Andhra State from 1st October 1953 till 31st March 1954. I also want clarification from the Hon. Finance Minister Sri C. Subramaniam why in the Madras State also they want the Governor to authorize the expenditure. We would like to understand the principles so that if they are good we can carry them to the Andhra State. I would like to know what is it that is uppermost in their minds in empowering the Governor to authorize the expenditure in the Madras State instead of convening the Assembly and passing the budget. After all there is no fear that there won't be a Cabinet in Madras. If it is in the mind of the Hon. Sri C. Subramaniam

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that there may not be a Cabinet even in Madras after the separation of Andhra, there is no ground for it. I do not wish that it should happen, and I wish that the Hon. Sri C. Rajagopalachari and the Hon. Sri C. Subramaniam and others should represent the Government in Madras, and Sri Sanjeeva Reddi in Andhra, instead of having Governor's rule. Therefore, the provision regarding Madras may be deleted and as far as the Andhra affairs are concerned, they may be left to the Andhra Assembly. I support the amendment moved by Sri T. Prakasam and hope there may not be any occasion for the Governor to authorize expenditure for more than three months. Even before that there may be a Cabinet for the Andhra State also, and they will take a vote on account for the rest of the financial year. As regards the fears expressed by Sri K. Krishna Rao, I would like to point out that it is no good to allow the affairs of Andhra State to the Governor of another State, however efficient that Governor or that Cabinet may be. It is a question of principle. We want that the Governor of Andhra should be empowered to authorize the expenditure. With these few words, Sir, I support the amendment moved by Sri T. Prakasam and oppose the amendment moved by the Hon Sri C. Subramaniam on behalf of the Government."

* THE HON. SRI C. RAJAGOPALACHARI:—"Mr. Speaker, I am rising only to make a few observations explaining why this clause is included in the Bill at all and that will make the position clear. I am very grateful to Sri K. Krishna Rao for what he said because it is just what I wanted to point out. He made it clear that it would be absurd to authorize a person whom we call Governor-Designate or Special Officer, with the power of spending out of the Consolidated Fund. According to Mr. Vavilala Gopalakrishnaiah the bag is there. But the question is who is to authorize expenditure. That is the problem that has arisen now with reference to the transition period. Now, Sir, we have already passed a vote on account which will cover expenditure up to 30th September 1953 and we cannot spend a pie on the morning of 1st October. Hon. Members are confusing this matter with the formation of a Cabinet either with A or B. We need not worry about that and that has nothing to do with reference to the problem we have now. The question of constitutional procedure, i.e., authorization of expenditure up to 30th September 1953, we have authorized already. There is no question that arises now on that account. But we have to decide for expenditure from the 1st of October onwards. No one can operate without proper sanction after that date. We have to pay officers, we have to pay for buildings, for the convening of the Assembly, for the Governor himself, etc. Everything has to be paid for. We must have therefore a legal sanction to cover expenditure from the 1st of October onwards. Now, the Government of India have drafted this Bill providing only for the first three months from the 1st of October. We must make a previous provision, and the previous provision for expenditure can only be done through a constituted Government and this Government is in position now. The residuary State of

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Madras is in position with a Governor, Ministry, Assembly, and all that. So, this authorized expenditure for the first three months for the present composite State of Madras, i.e., Governor, Assembly and all the rest, is already provided for by a statutory provision. The minimum has been provided for, viz., for three months. Now, our proposal is that this House should recommend a provision to cover six months because it would be a difficult thing even more in the Andhra State than even in the residuary Madras State, to prepare another budget now within the next three months to cover a period immediately following the three-month period provided for. So we suggested six months. Whether it should be three months or six months or whether it should be for three months in the Andhra State and for six months in the Madras State or six months in the Andhra State and three months in the Madras State, that is a matter for difference of opinion. But so far as the first limited period of three months goes, there should not be any misunderstanding. It is absolutely necessary. So the provision in the draft Bill should stand at least as far as it has been provided for. The only question is whether it should be extended to six months.

"There is another point that must be made clear. If any expenditure is to be incurred in Andhra even for this temporary period, the Government of Madras is not going to be so stupid as to authorize the expenditure without any consultation with the officer who is to deal as Governor later on in the Andhra State. But it cannot be put in the Statute or in the Constitution. These consultations will certainly take place and as soon as the Legislative Assembly of Andhra comes into being, they can alter anything; they can cancel everything and pass a new vote on account. It is absolutely necessary that we make some previous provision. When we decided to accept the original provision in clause 42 providing for a three-month period, the Andhra members felt that even in the three months they might not be able to prepare a budget, put it before the Legislative Assembly and get it through, and that the period might be six months. If they want to try they can try."

* SRI T. VISWANATHAM :—"I did not say that on the 1st of October itself the Governor of the new State should authorize the expenditure. There would be some difficulty. That is why I say that the provision in regard to the Consolidated Fund is absolutely necessary. The question is, who should sign? The expenditure is for the Andhra State and therefore the Governor of Andhra should sign. When he will sign is the question posed by the Hon. Chief Minister. Surely, he will sign on the day he takes the oath of office. Suppose there is a minor. The power of the major guardian lapses on the day the minor attains majority and he can sign for himself then. He can take the oath of office on the 1st of October and can sign the first order."

* THE HON. SRI C. RAJAGOPALACHARI :—"Is it the 1 p.m. opinion of Sri Viswanatham, in view of the present position he has

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taken that after the new Government is formed and Governor is in a position to sanction the expenditure that he should sign the sanction formally or is it his contention, as put down in the amendment proposed by Sri. Prakasam that even *before* the Special Officer is made Governor, *he* should sign any expenditure for Andhra and not anyone else? That is where I have got to object. We cannot stipulate that any expenditure in respect of Andhra should be signed by the Governor or the Governor-designate before the appointed day. For instance, suppose we have got some initial expenditure to be incurred in Kurnool for some purpose, are we to act on the Special Officer's sanction alone? Apart from the fact that we had written to New Delhi that the Special Officer should come here as soon as possible to expedite some initial urgent business, what I should like to submit is, that a stipulation that he alone should sign the expenditure in respect of Andhra and none else is not correct. Of course the Special Officer may arrive in time or somewhat earlier. That is a matter for executive arrangement. No doubt he will acquaint himself with all relevant matters in respect of Andhra. As a matter of fact without his knowledge and approval we could not authorize any expenditure in respect of Andhra *after* the appointed day. Therefore the best that could be done is, to meet the wishes of the Opposition also to let him countersign the expenditure authorized on behalf of Andhra by the Governor of Madras for a period of three months from the appointed day."

* SRI T. VISWANATHAM:—"The meaning of Mr. Prakasam's amendment does not concern the particular person that is going to be appointed as the Andhra Governor. In fact the Governor-Designate is as new to us as the Madras Governor. But what I say is, when he is appointed as the Governor of the Andhra State and as soon as he takes the oath of office, he alone should sanction the expenditure in respect of his (Andhra) State and not the Governor of an alien State, I mean, Madras."

* THE HON SRI C. SUBRAMANIAM:—"I will explain the position, Sir. Already we have provided for some initial exigencies. It is not as if either the Madras Governor or the Andhra Governor authorizes the expenditure of a block grant like Rs. 2 crores or Rs. 3 crores. In any case, some sort of budget will have to be prepared both for the residuary State and for the Andhra State which should become operative from October 1st. On the basis of the budget, expenditure would have to be sanctioned by the Madras and Andhra Governments. The Andhra State which will come into existence on the 1st of October cannot be expected to present its budget at once. So some sort of provisional budget for Andhra for a limited period (say three months) will have to be prepared by us. That is why the Government of India had made the provision that for three months beginning from 1st October 1953, the Governor of Madras shall have the power to authorize expenditure from the Consolidated Fund in respect of both Andhra and Madras. It is not as if the Centre had not taken note of all the relevant matters connected with this particular clause. In fact

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so far as this clause was concerned it was they who had suggested that this procedure be followed. We had nothing to do with that. After all, let not hon. Members think, preparation of the budget can be done so easily. We have got to prepare a budget for the State as a whole, let it be Andhra or Madras. Each Government will have to scrutinize carefully the probable expenditure under each head and prepare the budget. In view of the practical difficulties involved in asking the Andhra Government to prepare the budget immediately, this authorization of expenditure for the Andhra State from the Consolidated Fund had been done and the period too had been limited to three months.

“ It is now contended that the expenditure in respect of Andhra could be authorized only by its own Governor from the appointed day and some say it should be done only by the Andhra Governor even before the appointed day. As we all know under the Constitution, the Governor is only the constitutional head. He has to act only on the advice of the Council of Ministers. He cannot sanction the expenditure straightway without being advised by his Council of Ministers. For the Ministry to begin to function it will take some time. There is bound to be a vacuum in the meantime when no expenditure, not a pie, could be spent. Only to avoid the vacuum which prevents any expenditure being incurred from 1st of October 1953 till the Legislature meets and the budget is presented, the Government of India after careful consideration of all practical difficulties involved in the matter, decided that the present procedure be followed. What is it that we suggest now? After all as hon. Members know we had passed through a Budget session (of course only a vote on account was taken for a six-month period).

“ So far as the residuary State is concerned a provisional Budget will have to be presented for the remaining part of the year. That may be some time in November or so. The Finance Department would be working out the details for the full-fledged Budget for 1954-55 right from October of this year itself. Therefore if another Budget were to be presented in November 1953 for covering the period till 1st April 1954, then that amounts to saddling the Secretariat with too much work. Let me not be mistaken as though we shirk our responsibility. So far as this is concerned I leave the choice to the Leader of the Opposition. I have explained the practical difficulties involved in the matter. If he is of the opinion that we have got to meet for a Budget session some time in November or so for passing the Budget for the remaining part of the financial year 1953-54 and then again meet in February or March 1954 for passing the full budget for 1954-55, I have no objection. I am agreeable to the reduction of the six-month period to three months in respect of the Residuary State, as is put in the clause.

“ The case of Andhra is different. As I had already explained some sort of provisional budget will have to be prepared for them by us to cover some initial months beginning from the appointed day. In view of its impracticability, the power to sanction the

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expenditure for three months from 1st October 1953 has been vested in the Governor. Let not hon. Members imagine that the power of the Andhra Legislature to sanction their own expenditure had been taken away. In fact it has not been done so. All these things could be discussed threadbare when the 'Demands for Supplementary Grants' come up before the Andhra Legislature. As a matter of fact the Andhra Government have got to come before the Andhra Legislature, under the Constitution, for ratification. Only in view of the practical difficulties involved in presenting an interim budget for three months by the Government of Andhra so soon after their commencement of office, I had moved that the present stipulation of three months' expenditure being sanctioned for the Andhra State by the Madras Governor be extended to six months. Hon. Members on an impartial consideration of administrative difficulties will never fail to see the reasonableness behind the Government amendment. After all, Sir, no new scheme is going to be started by either the Andhra or the Madras State during the interim period. They would be only pursuing their existing schemes. It is nothing short of impossibility for them to have two Budget sessions and that too within three months after the inauguration of the new State. As far as the Residuary State is concerned, I had already explained. I leave the choice to the Leader of the Opposition regarding the same.

1-16 P.m. "With regard to Sri Prakasam's amendment that they should go before the Legislative Assembly for a vote on account, it is for them to decide. But regarding the first part of the amendment that the Governor should have authority to authorize withdrawal will, I am sure, lead to practical difficulties and to all sorts of legal hurdles, and however much Sri Viswanatham may be clear in his mind about the whole position, constitutional difficulties cannot be overcome, and that is why the Government of India after a very careful consideration have made such a recommendation."

* SRI T. VISWANATHAM :—"Mr. Speaker, Sir, let me assure the Leader of the House that I was not so very forgetful when I was making the suggestion that it is the Governor of Andhra that must sign the order. I know we cannot create any vacuum. I know that the Secretariat of the composite State will prepare a statement of expenditure and revenue for the purpose and I assume that they will do it, and I also assume that I am not creating a vacuum by the proposals I have made, because the present Ministry is bound to do it; but the point is that the Governor of Madras cannot sign an order for the Andhra State. If at all the President in his superior power may get powers reserved to himself for the purpose. It is only the Governor of the State concerned that can sign. I submit that on the 1st October or prior to that the Madras Governor will not be the Governor of Andhra and I feel that instead of avoiding legal troubles, we will be getting into more troubles."

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THE HON. SRI C. RAJAGOPALACHARI:—"If, Sir, that is the point, it may be provided that on the 1st October, the Governor of Andhra shall countersign the order and he is bound to do so."

* SRI T. VISWANATHAM:—"The point is that the details will be there and the Finance Department can put it up before him on the 1st of October."

THE HON. SRI C. SUBRAMANIAM:—"But how is he to act without the advice of his Ministers and when will the Ministers come into existence?"

* SRI T. VISWANATHAM:—"It is an overriding executive power which the Governor is vested with for authorizing such withdrawal from the Consolidated Fund; it is on the advice of the present Secretariat and the present Ministry."

THE HON. SRI C. SUBRAMANIAM:—"How can we advise your Governor?"

* SRI T. VISWANATHAM:—"There is no use parrying the issues in that manner. As a matter of fact, the present Government have taken a very great interest in framing the provisions of the Bill from top to bottom without the knowledge and without consulting the Andhra Members who are outsiders so far as the Bill is concerned; they are doing that and it follows that they should do the rest of it also."

* THE HON. SRI C. SUBRAMANIAM:—"I am afraid that I shall have to answer the insinuation that has been made by the hon. Member. Let me tell him that we had nothing to do with the framing of clause 42; it was, as a matter of fact, sent to us now for the first time, and it was why we have made a suggestion in that regard. I wish to assure him that we had no hand in it."

* SRI T. VISWANATHAM:—"Whether they had any voice or not with regard to this clause, it is a fact known to all hon. Members that the Government of India were consulting this Government and the newspapers contained daily reports about it and they were stating that the Ministry were considering it clause by clause. In so far as you did it, I submit we will not grudge your doing it further. The question as to where is the Government and who is the Governor and whom is he going to consult is all irrelevant because we are taking it for granted that you who have taken so much responsibility in the matter should at the time of the division continue the work until the Governor of Andhra signs the order, but the Governor of Madras cannot, I submit, sign for the Andhra State. To us one gentleman is as new as the other. It is merely a constitutional point that even if the Madras Governor signs prior to the appointed day, it cannot apply to the new State. If the Andhra Governor cannot sign before taking office, he will sign on the 1st of October. My whole point is how can the Governor of Madras sign for the Andhra State?"

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THE HON. SRI C. SUBRAMANIAM:—"That is why the Parliament is giving such a power."

* SRI T. VISWANATHAM:—"My point is that such a power should not be given. It should not give power to the Governor of one State to sign the order for another State. That is why it has been suggested that reasonable provisions should be made enabling the Governor to sign the order. So far as I am concerned, I am quite prepared for the order in respect of three months but our amendment is slightly different because we want the State Assembly to meet and then take a vote on account. It may be a full-fledged budget or a vote on account. In my humble opinion a full-fledged budget will be impossible. The Assembly will meet, hear opinions and take advice of the Members of the Legislature, take into consideration the various viewpoints and act. There is no question of vacuum here because Sri Prakasam's amendment provides that the Assembly should take a vote on account for the rest of the year; the amendment is not saying that we should wait for six months because we meet and dispose of the budget."

THE HON. SRI C. RAJAGOPALACHARI:—"If that is the point, I suggest the amendment should be framed properly."

* SRI T. VISWANATHAM:—"I am sorry, Sir, that mine is not an amendment. It only says 'provision should be made enabling . . .'. The object is there and I have left the question of bringing out the object and of framing it to expert hands. I have not said that provision 'shall be made . . .' because the employment of suitable language is the monopoly of the Government experts."

SRI P. RAMAMURTHI:—"On the question, Sir, whether it should be three or six months, we should agree not to extend the time-limit and therefore, I suggest that we stick to the original three months provided in the original Bill."

* THE HON. SRI C. SUBRAMANIAM:—"Sri Viswanatham wants only three months' sanction for the Andhra State and the Leader of the Opposition also thinks that a like thing will do for us. So, as far as the Residuary State is concerned, I propose that my amendment may be permitted to be withdrawn."

MR. SPEAKER:—"With reference to Amendment 109, what is the position?"

* THE HON. SRI C. SUBRAMANIAM:—"It relates to the Andhra State and if they think there will not be any vacuum, I have nothing to say about it. The Legal Department of the Government of India will further scrutinize it in view of the objections and I am sure that whatever is reasonably possible will be done."

"The view has also been expressed that it is derogatory to the Andhra State that the Madras Governor should sign the order. The Government of India may be informed about it and they will scrutinize and if possible change the formula to the effect that the

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Governor of Madras should not sign and somebody else; it may be the President should sign. In any event, it should not be the Governor of Madras. That seems to be the view."

The amendment of the Hon. Sri C. Subramaniam (No. 108) was, by leave, withdrawn.

MR. SPEAKER:—"With reference to Amendment No. 109, is the hon. Member removing the words 'before the appointed day?' "

* SRI T. VISWANATHAM:—"I wish to submit, Sir, that it is not as if I have suggested an amendment to a clause or anything of that nature. I have merely made a suggestion that the person who is going to be nominated as the Governor before the appointed day, it is he that should have the power of signing it on the 1st October. That is the recommendation that has been proposed. Apart from the question of derogation, I feel that, under the Constitution, the Governor of one State cannot authorize expenditure in another State."

* THE HON. SRI C. RAJAGOPALACHARI:—"Let me make one more attempt to explain to Sri Viswanatham that we are unnecessarily making too much of a small matter. Everybody agrees that the matter should be thrashed out by the present Government before the 1st October; the present Government and the present Ministry will have to go into them, the present Government includes representatives of Andhras, good, bad and indifferent—just as is the case regarding representatives of the Residuary State also. It is a common Government. Regarding this item No. 109 whether it is called a resolution or an expression of opinion it is so worded that it gives rise to the possible construction, I think a very reasonable construction, that it proposes to authorize the Governor-designate to operate on the Consolidated Fund. I think it is not proper. Let us, therefore, withdraw both items 108 and 109. I can give the assurance on behalf of the Government that we will represent to the Government of India that objection has been taken in the House that the authorization of expenditure after 1st October should technically and properly be signed by the new Governor when he is in office and not by the Governor of Madras and this may be taken into consideration by them and the Bill properly drafted."

The amendment of Sri T. Prakasam (No. 109) was, by leave, withdrawn.

Amendment No. 110 standing in the name of Sri E. L. Raghava Mudaliar was, by leave, withdrawn.

Clauses 43 to 45.

MR. SPEAKER:—"There are no amendments to these 1-20 clauses." p.m.

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Clause 46.

THE HON. SRI C. SUBRAMANIAM:—"As a matter of fact, the amendments to clause 46 and the Seventh Schedule overlap each other. We can come to them at the end and shall get on with the other clauses."

MR. SPEAKER:—"As requested by the Leader of the House, we shall take up clause 46 and the Seventh Schedule at the end."

Clause 47.

* THE HON SRI C. SUBRAMANIAM:—"I move the following amendment:—

'Sub-clause (1) should be amended so as to provide that, if the contract is for purposes unconnected with the Residuary State, but is partly for purposes connected with the Andhra State/Mysore State or both those States and for the purposes of a State other than the States of Andhra, Mysore and Madras, it shall be deemed to have been made in the exercise of the executive power of the Andhra State/Mysore State or of the Andhra State respectively.'"

SRI T. VISWANATHAM:—"May I suggest that as this is a long Chapter dealing with contracts and assets and liabilities, we can take it up to-morrow."

MR. SPEAKER:—"I agree. The House will now adjourn and reassemble at 4 p.m. to-day to discuss the adjournment motion."

(After lunch—4 p.m.)

II.—ADJOURNMENT MOTIONS—cont.

(4) POLICE FIRING IN TUTICORIN AND DALMIAPURAM.

MR. SPEAKER:—"The motion reads as follows:—

'That the business of the House be adjourned to discuss a definite matter of urgent public importance, viz., Police firing on the 15th July 1953 in a number of places in the State such as Tuticorin and Dalmiapuram, resulting in the death of nine innocent persons and serious injuries to many.'"

SRI S. S. KOLKEBAIL:—"I rise on a point of Order, Sir. I am supporting the motion. But after the resolution was moved in the House, a Committee is enquiring into the matter. So the matter is *sub judice*."

MR. SPEAKER:—"Only when the matter is before the Court, it is *sub judice*. This is merely an enquiry. The Committee is not going to give a judgment. So the matter is not *sub judice*."

* SRI P. RANGASWAMI REDDIAR:—"Mr. Speaker, Sir, on the 15th July 1953, the Police opened fire near Tuticorin and at